

EXHIBIT E

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----x
5 SELENA STALEY, VIVIAN HOLMES, and
6 OLIVE IVEY, on behalf of themselves
7 and all others similarly situated,
8

9 Plaintiffs, No.
10 22-cv-6781
11

12 vs.
13

14 9 FSR INTERNATIONAL HOTEL INC. d/b/a
15 FOUR SEASONS HOTELS AND RESORTS,
16 HOTEL 57 SERVICES, LLC, HOTEL 57, LLC,
17 TY WARNER HOTELS & RESORTS, LLC, and
18 H. TY WARNER,
19

20 Defendants.
21 -----x
22

23 15 DEPOSITION OF OLIVE IVEY
24

25 16 New York, New York
26

27 17 Friday, March 31, 2023
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35 24 Reported by:
36

37 Frank J. Bas, RPR, CRR
38

39 25 Job No. 224133
40

	Page 2	Page 3
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2		2 APPEARANCES:
3		3
4	March 31, 2023	4 Brustein Law
5	9:58 a.m.	5 Attorneys for Plaintiffs
6		6 299 Broadway
7	Deposition of OLIVE IVEY, held at the	7 New York, NY 10007
8	offices of Freeborn & Peters, 1155 Avenue of	8 BY: Evan Brustein, Esq.
9	the Americas, New York, New York, before Frank	9
10	J. Bas, a Registered Professional Reporter,	10 Bromberg Law Office
11	Certified Realtime Reporter, and Notary Public	11 40 Exchange Place
12	of the State of New York.	12 New York, NY 10005
13		13 BY: Brian Bromberg, Esq.
14		14
15		15 Stokes Wagner
16		16 Attorneys for FSR
17		17 International Hotels, Inc.
18		18 903 Hanshaw Road
19		19 Ithaca, NY 14850
20		20 BY: Paul Wagner, Esq. (Via Zoom)
21		21
22		22
23		23
24		24
25		25
	Page 4	Page 5
1		1 O. IVEY
2	APPEARANCES:	2 ATTORNEY LUNDY: Good morning.
3		3 Kathryn Lundy of Freeborn & Peters on
4	Freeborn & Peters	4 behalf of the Warner defendants.
5	Attorneys for Warner Defendants	5 ATTORNEY BOLAND: Jim Boland of
6	311 South Wacker Drive	6 Freeborn & Peters also on behalf of the
7	Chicago, IL 60606	7 Warner defendants.
8	BY: James Boland, Esq.	8 ATTORNEY BRUSTEIN: Evan Brustein,
9	Kathryn Lundy, Esq.	9 Brustein Law, for Olive Ivey.
10	Marc Zimmerman, Esq.	10 ATTORNEY BROMBERG: Brian Bromberg,
11		11 Bromberg Law Office PC, also for Olive
12		12 Ivey.
13		13 ATTORNEY WAGNER: Paul Wagner from
14		14 Stokes Wagner for FSR International
15		15 Hotels, Inc.
16		16 ----
17		17
18		18 OLIVE IVEY,
19		19 called as a witness, having been first duly
20		20 sworn by a Notary Public, was examined and
21		21 testified
22	- ooo -	22 as follows:
23		23 EXAMINATION BY
24		24 ATTORNEY LUNDY:
25		25 Q. Good morning, Ms. Ivey.

<p>1 O. IVEY 2 A. Good morning. 3 Q. My name is Kathryn Lundy. I'm an 4 attorney from Freeborn & Peters, and I am an 5 attorney representing some of the defendants 6 in the lawsuit that you brought that we're 7 here to talk about today. 8 As you know, you were just sworn 9 under oath and we ask you to tell the truth 10 for each question that I ask. 11 In the process of me asking 12 questions we have a court reporter with us 13 today, so it's important for him to be able to 14 get down my questions and your answers. So 15 even when you think you know the completion of 16 my question, I ask you to let me complete my 17 question before you are answering it. Okay? 18 A. Mm-hmm. 19 Q. And I also ask that all of your 20 answers be verbal, because the court reporter 21 can't get down gestures or general sounds. It 22 has to be yes, no, or verbal responses. 23 Understood? 24 A. Understood. 25 Q. If at any time you don't understand</p>	<p>Page 6</p> <p>1 O. IVEY 2 a question, please let me know and I'll try to 3 rephrase it. But if you answer the question I 4 am going to understand that you understood the 5 question that I asked. Understood? 6 A. Understood. 7 Q. If you ever need a break during the 8 deposition that's completely fine, we can 9 certainly take breaks. I would just ask that 10 if there's a question pending, that you answer 11 the question before we do so. Is that okay? 12 A. Yes. 13 Q. Ms. Ivey, do you have any reason to 14 believe that you would be unable to answer my 15 questions today truthfully? 16 A. No. 17 Q. Can you please provide your full 18 name for the record, please, spelling your 19 last name? 20 A. Olive Ivey. I-v-e-y. 21 Q. And what is your current address? 22 A. [REDACTED] 23 [REDACTED] 24 Q. And your cell phone number? 25 A. [REDACTED]</p>
<p>1 O. IVEY 2 Q. And have you had any other cell 3 phone numbers in the last three years? 4 A. No. 5 Q. And have you had any different cell 6 phone devices in the past three years? 7 A. No. 8 Q. And what about in the past five 9 years? 10 A. No. 11 Q. Are you known by any other name? 12 A. Yes. 13 Q. And what other names do you go by? 14 A. Olive Rodriguez. That was my 15 married name. 16 Q. And for what period of time were 17 you referred to as Olive Rodriguez? 18 A. Up until now. I'm in the process 19 of changing my name due to divorce. 20 Q. Any other names? 21 A. No. 22 Q. What about Williams, have you ever 23 been known by Olive Williams? 24 A. Oh, many years ago. Yes. Sorry, 25 that was a previous marriage.</p>	<p>Page 8</p> <p>1 O. IVEY 2 Q. And for what period of time did you 3 go by Olive Williams? 4 A. I don't remember. A couple of 5 years, maybe. 6 Q. Was it more than five years ago? 7 A. Yes. 8 Q. More than ten years ago? 9 A. Yes. 10 Q. And I'm sorry if I already asked 11 this, but for what period of time did you go 12 by Olive Rodriguez, was it more than five 13 years ago? 14 A. Yes. 15 Q. More than ten years ago? 16 A. Yes. 17 Q. And now you're currently in the 18 process of changing your name back to Ivey? 19 A. Yes. 20 Q. Thank you. Could you please 21 identify any email addresses that you 22 currently maintain? 23 A. Yes. 24 Q. And what are they? 25 A. [REDACTED]@gmail.com. And I have</p>

<p>1 O. IVEY 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED]</p> <p>7 Q. Are you currently in school? 8 A. I am. 9 Q. And what school are you attending? 10 A. BMCC. 11 Q. What does BMCC stand for? 12 A. Borough of Manhattan Community 13 College. 14 Q. And what degree or program are you 15 attending at that school? 16 A. Business management. 17 Q. Ms. Ivey, if you would just let me 18 finish asking the question. 19 A. Mm-hmm. 20 Q. Thank you. Are you in school to 21 receive a degree for certification or 22 something else? 23 A. A degree.</p> <p>24 ATTORNEY BRUSTEIN: Just wait a 25 second, because she may pause while</p>	<p>Page 10</p> <p>1 O. IVEY 2 she's talking. Just wait to make sure 3 the question is fully complete. 4 Q. When did you begin your program at 5 BMCC? 6 A. It's two years ago. 7 Q. That would be in 2012? 8 A. Summer – yes. Summer. 9 Q. And when do you contemplate 10 completing your degree? 11 A. This summer. 12 Q. This summer being summer of 2023? 13 A. Yes. 14 Q. Do you have any other email 15 addresses? 16 A. No. 17 Q. Have you had any other email 18 addresses in the past ten years? 19 A. Yes. 20 Q. And what were they? 21 A. [REDACTED]@Fourseasons.com. 22 Q. Any others? 23 A. There was a new email address that 24 was given to me at the Four Seasons downtown 25 property. I was there for a short period of</p>
<p>1 O. IVEY 2 time, but I don't remember what that was. I 3 know it has Olive and Rodriguez in it. I was 4 just there for, like, probably a week or two. 5 So I don't remember. 6 Q. When were you at the downtown Four 7 Seasons location? 8 A. I don't remember what month it was, 9 to be honest. 10 Q. Do you recall what year? 11 A. I think it was last year. 12 Q. Last year being 2022? 13 A. Or – either 2022 or 2021. I'm not 14 quite sure. I would have to go and research 15 that. 16 Q. And were you working down at the 17 downtown Four Seasons Hotel or something else? 18 A. I was working there, yes. 19 Q. And what position did you have 20 while you were working there? 21 A. Housekeeping manager. 22 Q. Is it your testimony that you were 23 working as a housekeeping manager at the 24 downtown Four Seasons Hotel for a week? 25 A. Or it could have been a week or</p>	<p>Page 12</p> <p>1 O. IVEY 2 two. Something ... 3 Q. Who concluded that work? Was it 4 your decision or was it the downtown Four 5 Seasons? 6 A. I had an accident, I fell. 7 Q. Do you recall when that was? 8 A. I don't remember the date. I was 9 on my way to work and I fell and injured my 10 knee, and I was unable to walk. 11 Q. Did you receive any type of 12 workers' compensation or any other type of 13 payment – 14 A. No. 15 Q. – as a result of that injury? 16 A. No. 17 Q. Just let me finish. I know 18 sometimes I pause a little awkwardly, but just 19 make sure the question's completed? 20 A. Yes. 21 ATTORNEY BRUSTEIN: Just wait two 22 seconds instead of one. 23 Q. Have you worked since your injury? 24 A. No. 25 Q. Do you believe you're able to work</p>

<p>1 O. IVEY 2 now, following your injury? 3 A. Yes. 4 Q. Would you like to work? 5 A. Yes. 6 Q. What period of time did you use the 7 email address olive.rodriguez@Fourseasons.com? 8 A. For as long as I was a manager at 9 Four Seasons. 10 Q. And what period of time was that? 11 A. It would have to be over ten years. 12 Q. What period of time of ten years 13 was that? 14 A. Up until my last day in March, when 15 I was furloughed. 16 Q. And what year are you referring to? 17 A. 2019 was the day when the pandemic 18 struck. 19 Q. It's your understanding -- 20 A. March. 21 Q. -- that the pandemic struck in 22 March of 2019? 23 A. Yes. When we were sent home. 24 Actually, we were able to use that email -- I 25 was able to use that email after, because I</p>	<p>Page 14</p> <p>1 O. IVEY 2 used it when I was sent on task force. 3 Q. When was the last time you accessed 4 your email account at Fourseasons.com? 5 A. I don't remember. 6 Q. Do you know whether or not you can 7 still access that account? 8 A. I did try accessing that account 9 when I went downtown. They were not able to. 10 Q. Who is "they"?</p> <p>11 A. The Four Seasons downtown. I had 12 to be given a new email address.</p> <p>13 Q. Have you ever reached out to anyone 14 else since your period of work down at the 15 downtown Four Seasons Hotel to try to access 16 this account?</p> <p>17 A. No. I was told when I went 18 downtown that I was not in the system, and 19 they needed to give me a new email address. 20 And Alexandra said she had no idea why 21 corporate IT was not able to give me access to 22 that email.</p> <p>23 Q. Who is Alexandra?</p> <p>24 A. She is the former director of -- 25 assistant director of human resources at the</p>
<p>1 O. IVEY 2 midtown property, and she transferred to 3 downtown and she's there now. So she's the 4 one that I spoke with there. 5 Q. Do you recall her last name? 6 A. Alberti. 7 Q. Can you spell that for me, please? 8 A. I don't know how to spell it. I 9 wouldn't be able to spell it correctly, maybe. 10 Q. Based on your conversation with 11 Alexandra, was it your understanding that you 12 should have had access to your Fourseasons.com 13 email account? 14 ATTORNEY BRUSTEIN: Objection. 15 Q. You can answer the question. 16 A. I should have had access to it, 17 yes. 18 Q. Was it your understanding that it 19 might have been a technical glitch of some 20 sort? 21 ATTORNEY BRUSTEIN: Objection. 22 A. No. 23 Q. Why do you say that? 24 A. Because I have always been able to 25 access it if I went -- well, I went to the</p>	<p>Page 16</p> <p>1 O. IVEY 2 Four Seasons Philadelphia to work at some 3 point on task force, and I was able to use 4 that exact same email account. I've never in 5 my years of having that email account not been 6 able to access it while I was working. 7 Q. Did Alexandra tell you why you were 8 not able to access that account? 9 A. She just said she was not able -- 10 IT was not able to give me back that email 11 address. And so they would need to give me a 12 new one. 13 Q. And can you remind me what that new 14 email address is? 15 A. I don't remember it. I did not use 16 it for too long. I know it had my first name 17 and my last name, and the number. 18 Q. Your last name, being Ivey? 19 A. Olive -- no -- Rodriguez. 20 Q. Have you tried to access that 21 account since departing from Four Seasons 22 downtown? 23 A. I have. 24 Q. And when was that? 25 A. After being -- when I was downtown</p>

<p>1 O. IVEY</p> <p>2 I did try, when they told me that I couldn't,</p> <p>3 I did try to get on there. But I wasn't able</p> <p>4 to.</p> <p>5 Q. I am referring to the new email</p> <p>6 account. Have you tried to access your new</p> <p>7 email account since departing from Four</p> <p>8 Seasons downtown?</p> <p>9 A. No.</p> <p>10 Q. Have you spoken to Elizabeth Ortiz</p> <p>11 about accessing either of those Four Seasons</p> <p>12 accounts?</p> <p>13 A. No.</p> <p>14 Q. Do you know who Elizabeth Ortiz is?</p> <p>15 A. Yes.</p> <p>16 Q. And can you identify her -- can you</p> <p>17 please identify her for me, please?</p> <p>18 A. She is the director of people &</p> <p>19 culture at the Four Seasons (clearing</p> <p>20 throat) -- excuse me -- midtown.</p> <p>21 Q. When was the last time you've</p> <p>22 spoken to Ms. Ortiz?</p> <p>23 A. I don't remember the date.</p> <p>24 Q. Do you remember the year?</p> <p>25 A. No.</p>	<p>Page 18</p> <p>1 O. IVEY</p> <p>2 Q. Was it recently?</p> <p>3 A. No.</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 Q. What was the purpose of that</p> <p>6 conversation?</p> <p>7 A. I needed to go to the Four Seasons</p> <p>8 to retrieve my clothing.</p> <p>9 Q. Have you spoken to her at any other</p> <p>10 time since March of 2019?</p> <p>11 A. I have been on --</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 Q. You can answer the question.</p> <p>14 A. I have been on Zoom calls.</p> <p>15 Q. Have you had any text messages with</p> <p>16 Ms. Ortiz?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall --</p> <p>19 ATTORNEY BRUSTEIN: Can we go off</p> <p>20 the record for one second? Can I just</p> <p>21 talk to you not in front of the witness</p> <p>22 for a second?</p> <p>23 ATTORNEY LUNDY: Sure.</p> <p>24 ATTORNEY BRUSTEIN: Okay.</p> <p>25 (Pause in the proceedings.)</p>
<p>1 O. IVEY</p> <p>2 Q. Do you recall when you were texting</p> <p>3 with Ms. Ortiz?</p> <p>4 A. I don't remember the date.</p> <p>5 Q. Do you recall how many times you've</p> <p>6 had text messages with Ms. Ortiz?</p> <p>7 A. No.</p> <p>8 Q. In connection with this lawsuit did</p> <p>9 you gather any of your text messages with</p> <p>10 Ms. Ortiz?</p> <p>11 A. I don't remember.</p> <p>12 Q. Who is Selena Staley?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. She's an employee at the Four</p> <p>15 Seasons -- that was working also at the Four</p> <p>16 Seasons.</p> <p>17 Q. When you say Four Seasons, what are</p> <p>18 you referring to?</p> <p>19 A. The Four Seasons Hotel in Midtown.</p> <p>20 Q. Did you speak to Ms. Staley about</p> <p>21 testifying today?</p> <p>22 A. No.</p> <p>23 Q. Is Ms. Staley also a named</p> <p>24 plaintiff in this lawsuit?</p> <p>25 A. She is.</p>	<p>Page 20</p> <p>1 O. IVEY</p> <p>2 Q. When was the last time you spoke to</p> <p>3 her?</p> <p>4 A. I don't remember.</p> <p>5 Q. Was it recently?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. No.</p> <p>8 Q. Was it more than a month ago?</p> <p>9 A. Yes.</p> <p>10 Q. Was it during the -- was it after</p> <p>11 August of 2022?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you remember what you talked</p> <p>14 about?</p> <p>15 ATTORNEY BRUSTEIN: Objection to</p> <p>16 the extent that the communication</p> <p>17 involved attorney-client communication,</p> <p>18 I am going to direct her not to answer,</p> <p>19 and to limit any answers to</p> <p>20 conversations where the lawyers were not</p> <p>21 present.</p> <p>22 Q. You can answer.</p> <p>23 A. We had lunch prior to, I think it</p> <p>24 was prior to the filing of this lawsuit.</p> <p>25 Q. Was it just the two of you or was</p>

<p>1 O. IVEY 2 anyone else present? 3 A. There was three of us present. 4 Q. Who was the third person? 5 A. Vivian Holmes. 6 Q. Do you recall when that lunch was? 7 A. I don't remember the date. 8 Q. Was it a summer month? Was it warm 9 out? 10 ATTORNEY BRUSTEIN: Objection. 11 A. It was warm out. 12 Q. Do you recall where you had lunch? 13 A. I don't remember the name of the 14 restaurant, no. 15 Q. Do you recall where it was located? 16 A. It was in Manhattan. 17 Q. And what did you three discuss? 18 A. We basically, um, just wanted to 19 get together because I think we were 20 experiencing the same kind of anxiety and 21 wanting to basically talk about if we thought 22 they would reopen and we would be able to go 23 back to work and, you know, what -- what would 24 we do, what we need to do moving forward. 25 Q. When you say "they" who are you</p>	<p>Page 22</p> <p>1 O. IVEY 2 referring to? 3 A. Four Seasons, if we thought the 4 Four Seasons would reopen and we would be able 5 to go back. 6 Q. When you were saying "the Four 7 Seasons," there's many properties -- 8 A. The Four Seasons midtown. 9 Q. And when you say Four Seasons 10 midtown, are you referring to the property 11 located at 57 East 57th Street? 12 A. Yes. 13 Q. Okay. So unless you specify 14 otherwise when you're saying "the Four 15 Seasons," today or the "hotel" I'll understand 16 you to mean the midtown property at 57 East 17 57th Street, is that okay? 18 ATTORNEY BRUSTEIN: Objection. 19 A. Yes. 20 Q. Okay. Are you aware that 21 Ms. Holmes appeared yesterday for her 22 deposition? 23 A. Yes. 24 Q. Did you speak to Ms. Holmes about 25 her deposition?</p>
<p>1 O. IVEY 2 A. No. 3 Q. Did you text with Ms. Holmes about 4 her deposition? 5 A. I texted her yesterday morning to 6 wish her good luck. 7 Q. Did she respond? 8 A. Yes. 9 Q. What did she say? 10 A. She told me she was on her way. 11 Q. Did you text her after her 12 deposition? 13 A. Yes. 14 Q. And what was that correspondence? 15 A. I asked her if she was okay. 16 Q. And what did she say? 17 A. She said she was having -- it was a 18 long day and she was having a headache. 19 Q. Anything else? 20 A. She said she was -- she was shot. 21 Basically, she meant that she was just out of 22 it. And she wished me good luck today. 23 Q. Anything else? 24 A. She told me it was cold in here, 25 and that I should take a jacket.</p>	<p>Page 24</p> <p>1 O. IVEY 2 ATTORNEY BOLAND: Good advice. 3 Q. Anything else? 4 A. No, that was it. 5 Q. Was Ms. Staley also on that text 6 exchange? 7 A. No. 8 Q. Do you have a separate text 9 exchange with Ms. Staley? 10 A. This morning I got a text -- one 11 text message from her, and it said she was 12 praying for me today. 13 Q. When was the last time you texted 14 with Ms. Staley? 15 A. I'm sorry. 16 Q. It's okay. Do you want to take a 17 minute? 18 A. That was this morning. She is not 19 someone I speak with on regular basis. 20 ATTORNEY LUNDY: Why don't we take 21 a minute. 22 (Pause in proceedings.) 23 Q. You testified that you speak to 24 Ms. Staley on regular basis, is that right? 25 A. No.</p>

<p>1 O. IVEY</p> <p>2 Q. What did you testify?</p> <p>3 A. I said she's not someone that I</p> <p>4 speak with on a regular basis.</p> <p>5 Q. Understood. Do you speak with</p> <p>6 Ms. Holmes on a regular basis?</p> <p>7 A. I wouldn't call it regular.</p> <p>8 Q. How would you call it?</p> <p>9 A. It depends on what kind of day</p> <p>10 we're having. Some days she's having a bad</p> <p>11 day, and I'm having a good day. So it usually</p> <p>12 is, if she's having a bad day where she's, you</p> <p>13 know, upset, she will call me and I will</p> <p>14 encourage her. And if I am having a bad day,</p> <p>15 I call her, and she will probably tell me the</p> <p>16 same thing that I tell her when she's having a</p> <p>17 bad day. So that's a standing joke between</p> <p>18 us, that we repeat the same thing in circles</p> <p>19 to support each other.</p> <p>20 Q. Since August of 2022 have you ever</p> <p>21 deleted any of your text messages with</p> <p>22 Ms. Holmes?</p> <p>23 A. I don't remember.</p> <p>24 Q. Have you ever gathered all of your</p> <p>25 text messages with Ms. Holmes to be produced</p>	<p>Page 26</p> <p>1 O. IVEY</p> <p>2 in this lawsuit?</p> <p>3 A. No.</p> <p>4 Q. Have you ever deleted any of your</p> <p>5 text messages with Ms. Staley from August 2022</p> <p>6 to the present?</p> <p>7 A. No, because usually I don't text</p> <p>8 with her. This morning she text me, I was</p> <p>9 surprised.</p> <p>10 Q. Have you ever deleted any of the</p> <p>11 text messages that you have with Ms. Ortiz?</p> <p>12 A. I don't remember doing that.</p> <p>13 Q. Do you, or have you ever text</p> <p>14 messaged with anyone else who works at the</p> <p>15 Four Seasons Hotel?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I'm sure I have.</p> <p>18 Q. Do you recall their names?</p> <p>19 A. I have text with some of my team</p> <p>20 members, especially during the pandemic. We</p> <p>21 text to check up on each other. I ask them</p> <p>22 how they're doing.</p> <p>23 I've had a team member who lost</p> <p>24 family members. So if I hear that someone</p> <p>25 lost a family member, I reach out to find out</p>
<p>1 O. IVEY</p> <p>2 how they're doing, how they're coping.</p> <p>3 I've had team members text me</p> <p>4 because I was a leader there at the midtown</p> <p>5 Four Seasons, so they would text me to find</p> <p>6 out if I heard anything, if the hotel is</p> <p>7 opening, I would tell them I don't know</p> <p>8 anything.</p> <p>9 Q. When you used the word "team</p> <p>10 members," who are you referring to?</p> <p>11 A. Housemen.</p> <p>12 Q. Do you recall anyone's names?</p> <p>13 A. Yes. I remember Eli's mother</p> <p>14 passed away from COVID. I reached out to him.</p> <p>15 Q. Do you recall any other names of</p> <p>16 your team members that you were just referring</p> <p>17 to?</p> <p>18 A. Moin. He had called me to find out</p> <p>19 if I heard anything about the hotel reopening.</p> <p>20 I told him I didn't know anything.</p> <p>21 Q. Anyone else that you can think of?</p> <p>22 A. Yes. Marie Daniels, Gurrier. She</p> <p>23 had called me also to find out if I heard</p> <p>24 anything.</p> <p>25 Q. Anyone else?</p>	<p>Page 28</p> <p>1 O. IVEY</p> <p>2 A. And her answer is usually no. I</p> <p>3 had one supervisor that, Odeth, she reached</p> <p>4 out to me because she was getting a new -- she</p> <p>5 heard about another job and she wasn't</p> <p>6 confident that she could do it. And she</p> <p>7 wanted my advice on how to go about going</p> <p>8 through the interview. So I coached her on --</p> <p>9 on how to do that and I told her, I encouraged</p> <p>10 her to do it and told her that she could</p> <p>11 definitely do it. It was something that I was</p> <p>12 confident that she could do.</p> <p>13 Q. Were any of these communications</p> <p>14 that were by text message, did you delete any</p> <p>15 of those?</p> <p>16 A. I don't remember --</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. -- deleting. I don't remember.</p> <p>19 Q. Do you know whether you have</p> <p>20 produced any text messages in this lawsuit?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. I don't remember producing text</p> <p>23 messages.</p> <p>24 ATTORNEY BRUSTEIN: Can we take a</p> <p>25 five-minute break?</p>

<p>1 O. IVEY 2 ATTORNEY LUNDY: Sure. 3 ATTORNEY BRUSTEIN: Thanks. 4 --- 5 (Recess from 10:24 to 10:31.) 6 --- 7 Q. Ms. Ivey, you wanted to clarify 8 something? 9 A. Yes. So in my response to speaking 10 about when the hotel would reopen with Moin, 11 we did not text. We spoke, I spoke with Eli 12 on the phone. I spoke with Marie on the 13 phone. I spoke with Odeth on the phone. 14 Q. In connection with this lawsuit, 15 did you review your email account, 16 olivemivey@gmail.com for any documents that 17 should be produced in connection with this 18 lawsuit? 19 A. Yes. 20 Q. And did you provide any of those 21 documents? 22 A. Yes. 23 Q. And did you review your account 24 cutiepicknewyork2@yahoo.com for any 25 information or documents that would be</p>	<p>Page 30</p> <p>1 O. IVEY 2 responsive in connection with the discovery in 3 this matter? 4 A. Yes. 5 Q. And did you provide those documents 6 for production? 7 A. There were no documents there, 8 because I don't use that email account 9 anymore. I have not used it since probably I 10 have been at the Four Seasons. I don't use 11 it. 12 Q. Thank you. Do you maintain any 13 social media accounts? 14 A. Yes. 15 Q. What social media accounts do you 16 maintain? 17 A. I have Facebook, LinkedIn, 18 Instagram. 19 Q. And on Facebook what is your user 20 name? 21 A. Olive Ivey Rodriguez. 22 Q. And on LinkedIn? 23 A. Olive -- it might be Olive Ivey 24 Rodriguez, or Olive Rodriguez. 25 Q. And what about Instagram?</p>
<p>1 O. IVEY 2 A. Olivemivey26, I think. Or 3 oliveivey26. I have the account but I don't 4 use it very often. 5 Q. Do you ever communicate through 6 your social media accounts through their 7 internal mail system? 8 A. Could you please explain? 9 Q. Sure. So for example, on LinkedIn 10 there's a mechanism to message someone 11 privately, is that right? 12 ATTORNEY BRUSTEIN: Objection. 13 A. Yes. 14 Q. Have you ever used that tool or 15 resource on LinkedIn? 16 A. Yes. 17 Q. And did you search your LinkedIn 18 account for any emails or private 19 conversations in connection with this lawsuit? 20 A. No. 21 Q. And what about Facebook; Facebook 22 also maintains an ability to have private 23 conversations messages, is that right? 24 A. Yes. 25 Q. And do you ever use that resource</p>	<p>Page 32</p> <p>1 O. IVEY 2 or tool on Facebook? 3 A. Yes. 4 Q. And did you search your private 5 messages or internal mail accounts through 6 Facebook in connection with this lawsuit? 7 ATTORNEY BRUSTEIN: Objection. 8 A. No, because I don't use it for any 9 form of business purposes. 10 Q. Do you use LinkedIn for any form of 11 business purpose? 12 ATTORNEY BRUSTEIN: Objection. 13 A. Yes, but not with Four Seasons 14 midtown or any Four Seasons hotels. 15 Q. For what purpose then? 16 A. Usually it would be for people who 17 follow the hospitality industry. I've had 18 people trying to sell stuff because I work in 19 a hotel, so they would try to marketing -- 20 marketing ideas, products, recruiters over the 21 years have tried to hire me away from the Four 22 Seasons midtown. 23 Q. If the hotel reopened tomorrow 24 would you want to be recalled back? 25 ATTORNEY BRUSTEIN: Objection.</p>

<p>1 O. IVEY</p> <p>2 A. You mean rehired?</p> <p>3 Q. My question stands. Would you want</p> <p>4 to be recalled?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. I don't think I could be recalled</p> <p>7 when I was terminated. I would have to be</p> <p>8 rehired.</p> <p>9 Q. When do you believe you were</p> <p>10 terminated from the hotel?</p> <p>11 A. I think it was in -- it was</p> <p>12 sometime last year, that I came to that</p> <p>13 realization.</p> <p>14 Q. What time last year did you believe</p> <p>15 you were terminated from the hotel?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I don't remember which month. I</p> <p>18 received a phone call and someone from</p> <p>19 Principal, which is the company that manages</p> <p>20 the retirement benefit plan from Four Seasons,</p> <p>21 and they were asking me what I wanted to do</p> <p>22 with my 401(k) account.</p> <p>23 Q. When you say last -- sorry, I</p> <p>24 apologize.</p> <p>25 A. And I didn't understand what they</p>	<p>Page 34</p> <p>1 O. IVEY</p> <p>2 were asking me. And they said I had the</p> <p>3 option to cash it out with penalty or to roll</p> <p>4 it over to a new employer. And I told them</p> <p>5 that I -- I started asking questions and the</p> <p>6 person on the phone told me that they were</p> <p>7 informed by Four Seasons that I am no longer</p> <p>8 an employee there.</p> <p>9 I told them that I was not informed</p> <p>10 of that fact, I was not informed by the Four</p> <p>11 Seasons that I was terminated, and so I would</p> <p>12 not make any decision at that time.</p> <p>13 So I reached out to Elizabeth Ortiz</p> <p>14 and I told her about the conversation that I</p> <p>15 had with the representative from Principal,</p> <p>16 and she said -- I told her they told me I no</p> <p>17 longer worked for the Four Seasons and have</p> <p>18 the option to cash out or to roll over. And</p> <p>19 her response to me was they should not have</p> <p>20 told you that. I will call them and look into</p> <p>21 it. I never received a response back.</p> <p>22 Q. Did Ms. Ortiz tell you anything</p> <p>23 else?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. Anything else in regard to?</p>
<p>1 O. IVEY</p> <p>2 Q. Your concerns about your 401(k)?</p> <p>3 A. No, she just told me that they</p> <p>4 should not have told me that, and she would</p> <p>5 reach out to them and take care of it.</p> <p>6 So I understood that to mean that</p> <p>7 she would correct the information that they</p> <p>8 had.</p> <p>9 Q. This was by text message, is that</p> <p>10 right?</p> <p>11 A. No, I spoke to her.</p> <p>12 Q. But you also corresponded with</p> <p>13 Ms. Ortiz about this matter by text message,</p> <p>14 is that right?</p> <p>15 A. I did send her a message to say</p> <p>16 that I -- because if you call, you're not able</p> <p>17 to really get through. You have to send a</p> <p>18 message to say you want to speak with her.</p> <p>19 And then someone would either reach out --</p> <p>20 someone would reach out to you. Most times</p> <p>21 because I think when you call you usually</p> <p>22 don't get anyone on the phone, I'm not sure</p> <p>23 why, probably because she's the only person</p> <p>24 and it's a ...</p> <p>25 Q. Right. But my question was you did</p>	<p>Page 36</p> <p>1 O. IVEY</p> <p>2 text message with Ms. Ortiz about this matter,</p> <p>3 is that right?</p> <p>4 A. I don't remember if it was by text</p> <p>5 initially that I told her that I needed to</p> <p>6 speak with her or that what I heard from</p> <p>7 Principal, I know that there was some</p> <p>8 correspondence. I don't remember if it was by</p> <p>9 text or if I spoke to her. I know I spoke to</p> <p>10 her, but what part of the conversation was by</p> <p>11 text and speaking, I don't remember.</p> <p>12 Q. Ms. Ortiz told you that that</p> <p>13 shouldn't have happened because you weren't</p> <p>14 terminated, is that right?</p> <p>15 A. She told me, she said to me they</p> <p>16 should not have told you that. You're still</p> <p>17 employed by the Four Seasons. I will take</p> <p>18 care of it.</p> <p>19 Q. Thank you. And you referenced last</p> <p>20 year. What year are you referring to?</p> <p>21 A. 2022.</p> <p>22 Q. Do you recall what month?</p> <p>23 A. No, I don't recall what month.</p> <p>24 Q. Was it cold out?</p> <p>25 A. I don't remember.</p>

<p>1 O. IVEY</p> <p>2 Q. Ms. Ivey, I am going to show you a</p> <p>3 document that's been previously marked as</p> <p>4 exhibit 5.</p> <p>5 (Defendants' Exhibit 5, Complaint</p> <p>6 was previously marked for</p> <p>7 identification.)</p> <p>8 Q. Ms. Ivey, I've just handed you a</p> <p>9 document that was previously marked as exhibit</p> <p>10 5. It's dated August 9, 2022 and it's titled</p> <p>11 Complaint.</p> <p>12 Have you seen this document before?</p> <p>13 A. Yes.</p> <p>14 Q. And when did you see this document</p> <p>15 before?</p> <p>16 A. I don't remember the date but it</p> <p>17 was shown to me by my attorneys.</p> <p>18 Q. Is it fair to say that this is the</p> <p>19 initial complaint that was filed in the</p> <p>20 lawsuit that you brought against the</p> <p>21 defendants in this action?</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. Initial as it was the first</p> <p>24 complaint? I think it's fair to say.</p> <p>25 Q. And you're one of the plaintiffs in</p>	<p>Page 38</p> <p>1 O. IVEY</p> <p>2 this lawsuit, is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And you are bringing claims on your</p> <p>5 own behalf and on behalf of others similarly</p> <p>6 situated to you, is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And prior to this complaint being</p> <p>9 filed with the court did you review this</p> <p>10 document?</p> <p>11 A. Yes.</p> <p>12 Q. And did you confirm its accuracy?</p> <p>13 A. Yes.</p> <p>14 Q. And did you do anything in</p> <p>15 connection with gathering any facts or</p> <p>16 information with respect to the allegations</p> <p>17 set forth in this complaint?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. I was given a list of discoveries</p> <p>20 that I needed to present, and I did present</p> <p>21 those.</p> <p>22 Q. And as you sit here today it's your</p> <p>23 understanding that the allegations in the</p> <p>24 complaint are accurate to the best of your</p> <p>25 knowledge, is that right?</p>
<p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. Okay. You can put that aside.</p> <p>4 Thank you.</p> <p>5 (Defendants' Exhibit 6, First</p> <p>6 Amended Complaint was previously marked</p> <p>7 for identification.)</p> <p>8 Q. Ms. Ivey I am going to show you a</p> <p>9 document that's been previously marked as</p> <p>10 exhibit 6.</p> <p>11 This document is dated on page 60</p> <p>12 as December 16, 2022, and it's titled First</p> <p>13 Amended Complaint. Have you seen this</p> <p>14 document before?</p> <p>15 A. Yes.</p> <p>16 Q. And can you identify it for me</p> <p>17 please?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. It is a document that my attorneys</p> <p>20 showed me.</p> <p>21 Q. Is it your understanding that this</p> <p>22 is the second complaint that was filed in the</p> <p>23 lawsuit amending the first?</p> <p>24 A. Yes.</p> <p>25 Q. And did you review this document</p>	<p>Page 40</p> <p>1 O. IVEY</p> <p>2 before it was filed with the court?</p> <p>3 A. Yes.</p> <p>4 Q. And did you confirm its accuracy?</p> <p>5 A. Yes.</p> <p>6 Q. As you sit here today, do you</p> <p>7 believe the allegations in the amended</p> <p>8 complaint marked as exhibit 6 are complete and</p> <p>9 accurate?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. Yes.</p> <p>12 Q. Have you reviewed the amended</p> <p>13 complaint since it was filed in December of</p> <p>14 2022?</p> <p>15 A. Yes.</p> <p>16 Q. And it's your understanding that</p> <p>17 the amended complaint was filed by you</p> <p>18 individually but also on behalf of others</p> <p>19 similarly situated, is that right?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. Yes.</p> <p>22 Q. And there's also two other</p> <p>23 plaintiffs in this matter, Vivian Holmes and</p> <p>24 Selena Staley, is that right?</p> <p>25 A. Yes.</p>

<p>1 O. IVEY</p> <p>2 Q. Do you know what a class action is?</p> <p>3 A. Yes.</p> <p>4 Q. Can you tell me what that is?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. My understanding of what a class</p> <p>7 action is, is a suit seeking damages on behalf</p> <p>8 of a group of people or similarly -- who are</p> <p>9 in a similar situation as myself.</p> <p>10 Q. Do you understand that you are a</p> <p>11 representative of others in this lawsuit?</p> <p>12 A. Yes.</p> <p>13 Q. What research did you do in</p> <p>14 connection with this lawsuit prior to filing</p> <p>15 it to ensure the accuracy of the information</p> <p>16 and allegations set forth in the complaint?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. Well, I know that we were sent home</p> <p>19 and we were not informed correctly, we were</p> <p>20 not informed that we wouldn't be going back to</p> <p>21 work. I also know that it would be a</p> <p>22 violation. And so I looked into what -- what</p> <p>23 I think would have been done incorrectly or</p> <p>24 what should have been done and what wasn't</p> <p>25 done. And then I spoke with my attorneys.</p>	<p>Page 42</p> <p>1 O. IVEY</p> <p>2 Q. When you said you looked at, what</p> <p>3 did you look at?</p> <p>4 ATTORNEY BRUSTEIN: Objection. I</p> <p>5 don't believe that was the testimony.</p> <p>6 Q. I'm sorry. You looked into. What</p> <p>7 did you look into?</p> <p>8 A. What was -- what -- well, what --</p> <p>9 what should the Four Seasons have told us in</p> <p>10 regard to would we be coming back to work.</p> <p>11 Would we be terminated. What -- what should</p> <p>12 they have done if they terminated us. That</p> <p>13 kind of things. I realized later on that I</p> <p>14 was terminated but no one told me I was</p> <p>15 terminated. I wanted to know -- I wanted to</p> <p>16 know what -- if that was legal. If that is</p> <p>17 something that they should be doing.</p> <p>18 So I -- I went back and looked at</p> <p>19 the agreement I had with them.</p> <p>20 Q. Other than looking at the agreement</p> <p>21 you had with them, did you look at any other</p> <p>22 documents prior to commencing this lawsuit to</p> <p>23 confirm the accuracy of the allegations in the</p> <p>24 complaint?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>
<p>1 O. IVEY</p> <p>2 A. I don't remember looking at any</p> <p>3 other documents.</p> <p>4 Q. Do you know whether you have</p> <p>5 responsibilities as a class representative?</p> <p>6 A. Yes.</p> <p>7 Q. What are they?</p> <p>8 A. My responsibility as a class</p> <p>9 representative is to ensure that I speak with</p> <p>10 the attorneys that are representing the class</p> <p>11 action, and to ensure that any decisions that</p> <p>12 are made are within the interests of all of</p> <p>13 the people are represented under the action.</p> <p>14 Q. Anything else?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I also think that my responsibility</p> <p>17 is to ensure that any outcome is one that is</p> <p>18 favorable under the law for all parties</p> <p>19 involved, and that it's not just about me,</p> <p>20 it's about an entire group of people.</p> <p>21 Q. How do you know what the other</p> <p>22 individuals' interests are? Have you spoken</p> <p>23 to them?</p> <p>24 A. I would think that that --</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 44</p> <p>1 O. IVEY</p> <p>2 A. When I was on the phone call, the</p> <p>3 last phone call with the Four Seasons midtown</p> <p>4 people were on that call asking for the hotel</p> <p>5 to be opened, asking when would it be opened,</p> <p>6 explaining that it was obvious that they were</p> <p>7 experiencing anxiety, hardship --</p> <p>8 Q. Ms. Ivey, that's not my question.</p> <p>9 ATTORNEY BRUSTEIN: I would just</p> <p>10 ask that she be able to finish.</p> <p>11 Q. Sure.</p> <p>12 A. -- and I realized that we were all</p> <p>13 in the same boat. We were all wanting to go</p> <p>14 back to work. That is what we were doing for</p> <p>15 a very long period of time.</p> <p>16 Q. I understand that that's your --</p> <p>17 A. So --</p> <p>18 Q. Okay. Please, go ahead. Go ahead.</p> <p>19 A. So I know, or I truly believe that</p> <p>20 we were all in the same boat and experiencing</p> <p>21 many of the same things, many of the same</p> <p>22 hardships, and I think that that is</p> <p>23 qualification enough. We were all treated the</p> <p>24 same way.</p> <p>25 Q. I don't want to cut you off. Were</p>

<p>1 O. IVEY 2 you finished with your answer? 3 A. Yes. 4 Q. Okay. My question was: Have you 5 spoken with any of the individuals you believe 6 that you have an obligation to protect their 7 interests? Have you spoken to anyone? 8 ATTORNEY BRUSTEIN: Objection. 9 Just to clarify, you keep asking two 10 questions at once. The last one said 11 how do you know and that second one. 12 And I think just for – 13 ATTORNEY BOLAND: They're two 14 questions. One was one. One was 15 another. 16 ATTORNEY BRUSTEIN: I'm just saying 17 simultaneously. It would be easier for 18 the record -- 19 ATTORNEY LUNDY: Could you read 20 back my question, please? 21 (Requested portion of the record 22 read back.) 23 A. I have spoken to employees who, 24 like Moin I mentioned before, who have called 25 to say when is the hotel opening? We want to</p>	<p>Page 46</p> <p>1 O. IVEY 2 go back to work. 3 I have spoken to Marie, as I 4 mentioned before, who was asking when can we 5 go back to work? We need to go back to work. 6 Have you heard anything. 7 So as far as speaking to them about 8 filing a lawsuit, no, I haven't spoken to – I 9 haven't discussed that with them. 10 Q. You testified that you understand, 11 or rather, you believe you and the others are 12 in the same boat. What makes you believe that 13 you're in the same boat as other employees 14 from the hotel? 15 A. Because we were all working at the 16 same Four Seasons midtown. We were all 17 terminated without notice or sent home, and we 18 have been waiting for three years to return to 19 work, and no one told us. We don't have a 20 date. We don't have anything to go by. No 21 one tells -- we were told that there is work 22 on the way and that one, just one portion of 23 the work would take a year and a half, at 24 least a year and a half, and there are other 25 projects to be done. So at that point we know</p>
<p>1 O. IVEY 2 that this is an open-ended situation. So yes, 3 we're all in the same boat. 4 Q. I asked you specifically how you 5 know that all of the individuals are in the 6 same boat as you? 7 ATTORNEY BRUSTEIN: Objection. 8 Q. How do you know that? 9 A. I know that because we are all out 10 of work. 11 Q. Do you know that every single 12 employee of the hotel is not working at this 13 moment? 14 A. No. 15 ATTORNEY BRUSTEIN: Objection. 16 Q. Are you aware that some employees 17 were transferred to other hotels of the Four 18 Seasons? 19 ATTORNEY BRUSTEIN: Objection. 20 A. I am aware that they were 21 transferred to other Four Seasons or some 22 people are also working, but they were still 23 treated the same way. 24 Q. Are you aware that other employees 25 found employment at other hotels or other</p>	<p>Page 48</p> <p>1 O. IVEY 2 establishments altogether? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I don't -- I am sure that they 5 have. I have known of a few that were placed 6 in other hotels. 7 Q. Are you aware that some employees 8 are seeking to be recalled back to work at the 9 hotel? 10 ATTORNEY BRUSTEIN: Objection. 11 A. I am sure they are. But the hotel 12 is still closed. 13 Q. Some employees of the hotel 14 currently work from that property to this day; 15 are you aware of that? 16 ATTORNEY BRUSTEIN: Objection. 17 A. I am aware of that. 18 Q. Did you do any research to find out 19 what your responsibilities are to assert 20 claims on behalf of others in this case? 21 ATTORNEY BRUSTEIN: Objection. 22 A. Could you please repeat that 23 question. 24 ATTORNEY LUNDY: Could you please 25 read it back?</p>

<p>1 O. IVEY 2 (Requested portion of the record 3 read back.) 4 A. I did not do any research. I spoke 5 with my attorneys to find out what action can 6 be taken on behalf of myself and my 7 co-workers. 8 Q. Did you do any research to 9 determine what authority you have to settle 10 this case on behalf of others? 11 ATTORNEY BRUSTEIN: Objection. 12 A. I did not do any research but I 13 think I know I have the authority to do so. 14 Q. Do you know how many claims are 15 alleged in the first amended complaint? 16 A. No. 17 Q. Why don't we look. Can you turn 18 back to exhibit 6, please? 19 ATTORNEY BRUSTEIN: Objection. Oh, 20 you said amended complaint? 21 ATTORNEY LUNDY: Yes. 22 ATTORNEY BRUSTEIN: Withdrawn. 23 Sorry. 24 A. Page what? 25 Q. On page 46, please. It states: As</p>	<p>Page 50</p> <p>1 O. IVEY 2 and for the first cause of action. Let's turn 3 to page 49. As and for a second cause of 4 action. Let's turn to page 51 -- 5 ATTORNEY BRUSTEIN: Objection. 6 Could you please go a little slower. 7 ATTORNEY LUNDY: Sure. 8 ATTORNEY BRUSTEIN: If you're 9 asking her to follow along. 10 Q. 51, As and for third cause of 11 action. 52, As and for a fourth cause of 12 action. 54, As and for -- 13 ATTORNEY BRUSTEIN: Do you need 14 more time to see what she's doing? 15 A. Yeah, can you ... 16 (The witness reviews document.) 17 A. Okay. 18 Q. Page 57, As and for a sixth cause 19 of action. 20 A. Okay. Mm-hmm. 21 Q. At the time the amended complaint 22 was filed, six causes of action were alleged 23 in this pleading, right? 24 ATTORNEY BRUSTEIN: Objection. 25 Q. Based upon what we just reviewed?</p>
<p>1 O. IVEY 2 A. Yes. 3 Q. Do you know that some of those 4 causes of action have been withdrawn in this 5 lawsuit? 6 A. I am sure -- 7 ATTORNEY BRUSTEIN: Objection. 8 A. -- that whatever was done was done 9 with my well-being in mind, by my attorneys. 10 So yes. 11 Q. My question was were you aware that 12 some of the causes of action have been 13 withdrawn from this amended complaint? 14 A. Yes. 15 Q. When did you become aware of that? 16 ATTORNEY BRUSTEIN: Objection. 17 A. When it was presented to me. 18 Q. Was it before or after the claims 19 were withdrawn? 20 ATTORNEY BRUSTEIN: Objection. 21 A. Well, whenever my attorneys are 22 going to make a decision on anything they 23 would speak with us. They would call me on 24 the phone and they would tell us what exactly 25 they are going to do, as far as what they're</p>	<p>Page 52</p> <p>1 O. IVEY 2 filing, what they're withdrawing and all of 3 that. After they are through, they send us 4 the documents and -- 5 ATTORNEY BRUSTEIN: I'm going to 6 object and direct you not to speak about 7 what's provided to you or not provided 8 to you. 9 THE WITNESS: Okay. 10 ATTORNEY BRUSTEIN: And the 11 substance of those conversations. 12 Q. Yes, agreed. I don't want to know 13 what you talk about with your attorneys. 14 Do you know what causes of action 15 have been withdrawn? 16 A. I don't know off the top of my 17 head. 18 Q. Do you think it's within every 19 putative class member's interest to withdraw 20 certain claims from this lawsuit? 21 ATTORNEY BRUSTEIN: Objection. 22 A. Could you -- 23 Q. Sure. 24 A. -- ask that question again? I 25 don't understand what you're asking.</p>

<p>1 O. IVEY</p> <p>2 Q. Sure. Do you think it was in</p> <p>3 everyone's best interest -- you represented</p> <p>4 that as a class representative it's your job</p> <p>5 to ensure their interests.</p> <p>6 A. Yes.</p> <p>7 Q. Do you think it was in their</p> <p>8 interest to withdraw some of those claims?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. Yes.</p> <p>11 Q. But you don't know what those</p> <p>12 claims are?</p> <p>13 ATTORNEY BRUSTEIN: Objection;</p> <p>14 mischaracterization.</p> <p>15 A. Well, I read the documents that</p> <p>16 were presented to me. I don't memorize them.</p> <p>17 So if I am going to be looking at something</p> <p>18 and making a decision or being asked to make a</p> <p>19 decision on something or advised by my</p> <p>20 attorneys to make a decision on something,</p> <p>21 because it's there, I'm not going to memorize</p> <p>22 it. I can't memorize -- this is a very big</p> <p>23 document. I cannot memorize everything.</p> <p>24 Q. Ms. Ivey, that wasn't my question.</p> <p>25 I asked you if you can identify what causes of</p>	<p>Page 54</p> <p>1 O. IVEY</p> <p>2 action were withdrawn that you believe were in</p> <p>3 the other putative class members interests?</p> <p>4 A. I don't remember.</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 Q. Okay, thank you. Are you</p> <p>7 represented by counsel in this case?</p> <p>8 A. I am.</p> <p>9 Q. How many attorneys are representing</p> <p>10 you in this matter?</p> <p>11 A. Three.</p> <p>12 Q. Can you identify them for me,</p> <p>13 please?</p> <p>14 A. There's Maya Risman, there's Evan</p> <p>15 Brustein and this gentleman that's here.</p> <p>16 Q. Do you know the gentleman next to</p> <p>17 you's name?</p> <p>18 A. Yes, I do. But I am so flustered</p> <p>19 right now, I ...</p> <p>20 Q. How did you select the lawyers in</p> <p>21 this case?</p> <p>22 A. So I was given the name of Evan</p> <p>23 first -- this is Brian, by the way.</p> <p>24 Q. Do you recall his last name?</p> <p>25 A. I was given the name of Evan first,</p>
<p>1 O. IVEY</p> <p>2 Evan Brustein and Maya Risman, and I went</p> <p>3 online and looked them up.</p> <p>4 Q. Who gave you their name, if anyone?</p> <p>5 A. Vivian gave me their names.</p> <p>6 Q. How did Vivian give you their</p> <p>7 names?</p> <p>8 A. She told me on the phone.</p> <p>9 Q. Do you know where she found their</p> <p>10 names?</p> <p>11 A. No.</p> <p>12 Q. Did she tell you?</p> <p>13 A. No.</p> <p>14 Q. Prior to engaging your attorneys in</p> <p>15 this matter what research, if any, did you</p> <p>16 determine qualified them to represent you and</p> <p>17 other individuals similarly situated to you in</p> <p>18 this matter?</p> <p>19 A. Well, I looked them up online, I</p> <p>20 looked at their -- I saw that they were</p> <p>21 attorneys experienced in the matter, and was</p> <p>22 able to answer questions -- I thought they</p> <p>23 would be able to answer my questions and --</p> <p>24 ATTORNEY BRUSTEIN: I'm going to</p> <p>25 object and direct her not to -- to limit</p>	<p>Page 56</p> <p>1 O. IVEY</p> <p>2 her answer to anything that doesn't</p> <p>3 involve attorney-client communication.</p> <p>4 ATTORNEY LUNDY: That's fine.</p> <p>5 ATTORNEY BRUSTEIN: So any</p> <p>6 conversations that you had with your</p> <p>7 attorneys should not be part of the</p> <p>8 answer. Outside of those</p> <p>9 communications.</p> <p>10 A. So basically I looked them up</p> <p>11 online and then reached out to them. And in</p> <p>12 my initial conversation, I was comfortable.</p> <p>13 Q. Anything else?</p> <p>14 A. No.</p> <p>15 Q. Did you consider any other</p> <p>16 attorneys before engaging those representing</p> <p>17 you here?</p> <p>18 A. Some added names were thrown out,</p> <p>19 but I don't remember the names that were</p> <p>20 thrown out.</p> <p>21 Q. When you say thrown out, what does</p> <p>22 that mean?</p> <p>23 A. That was mentioned to me.</p> <p>24 Q. By who?</p> <p>25 A. By Vivian.</p>

<p>1 O. IVEY</p> <p>2 Q. Did you do any independent research 3 or investigation other than relying on what 4 Ms. Holmes presented to you?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. Yes, I went online and Googled 7 them.</p> <p>8 Q. Other than the attorneys' names 9 that Ms. Holmes provided to you, did you do 10 your own independent research or investigation 11 to identify any other potential attorneys to 12 represent you and others similarly situated in 13 this case?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. I might have Googled labor lawyers.</p> <p>16 Q. Did you identify anyone?</p> <p>17 A. I don't remember who I might have 18 came up on. But I was -- I zeroed in on -- on 19 Evan and Maya from early on.</p> <p>20 Q. How were you introduced to 21 Mr. Bromberg?</p> <p>22 A. Mr. Bromberg. I don't ... I was 23 introduced to him I think on Zoom.</p> <p>24 Q. Do you recall who introduced you?</p> <p>25 A. It was Evan and Maya.</p>	<p>Page 58</p> <p>1 O. IVEY</p> <p>2 Q. Did you do any independent 3 investigation prior to retaining Mr. Bromberg 4 to represent you and others similarly situated 5 in this matter?</p> <p>6 A. I went online and looked him up.</p> <p>7 Q. Anything else?</p> <p>8 A. No.</p> <p>9 ATTORNEY BRUSTEIN: Objection. I'm 10 just going to direct again to limit the 11 answer to not include attorney-client 12 communications.</p> <p>13 Q. When you say you looked him up, 14 what does that mean?</p> <p>15 A. I Googled him and I looked at, um, 16 his business -- his practice. And I looked at 17 things that -- that he did online.</p> <p>18 Q. Anything else?</p> <p>19 A. No.</p> <p>20 Q. Do you have a written fee agreement 21 with your attorneys?</p> <p>22 A. Could you explain what that means?</p> <p>23 Q. Do you have an engagement letter 24 with your attorneys?</p> <p>25 A. I have -- I retained my attorneys.</p>
<p>1 O. IVEY</p> <p>2 I don't have a fee that they're charging me --</p> <p>3 ATTORNEY BRUSTEIN: Objection. I 4 am going to just direct the witness not 5 to discuss what fee agreement there is, 6 just whether or not one exists.</p> <p>7 Q. Are you going to accept your 8 attorney's direction not to respond to the 9 question?</p> <p>10 ATTORNEY BRUSTEIN: Objection. And 11 we went through this yesterday.</p> <p>12 ATTORNEY LUNDY: That's fine. We 13 can make that record as we did 14 yesterday.</p> <p>15 ATTORNEY BRUSTEIN: I would ask 16 that you not question my witnesses if 17 they're going to take attorney's advice. 18 I don't think it's an appropriate 19 objection.</p> <p>20 There's no reason for you to react.</p> <p>21 ATTORNEY LUNDY: So just so we can 22 create the record.</p> <p>23 Q. Ms. Ivey, when your attorney is 24 directing you not to respond to a question you 25 are going to take his recommendation, is that</p>	<p>Page 60</p> <p>1 O. IVEY</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Thank you. Are you 5 incurring any out of pocket costs or fees in 6 connection with this lawsuit?</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 A. No.</p> <p>9 Q. Do you have any responsibilities 10 for the costs relating to the class?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. No.</p> <p>13 Q. And if notice was required to be 14 provided to the class of those similarly 15 situated to you, would you be responsible for 16 the costs of sending those notices?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. No.</p> <p>19 Q. Are you prepared to pay the 20 defendants' legal fees if that came to pass in 21 this lawsuit?</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. What do you mean by -- if I'm 24 prepared to pay out of my pocket?</p> <p>25 Q. Would you be personally prepared to</p>

<p>1 O. IVEY 2 incur the financial obligations to pay the 3 defendants' attorneys' fees if that came to 4 pass in this lawsuit? 5 ATTORNEY BRUSTEIN: Objection. 6 A. No. 7 Q. All right. We're going to go 8 through lots of documents but we'll do it 9 quickly, all right? You can put exhibit 6 to 10 the side for the time being. Thank you. 11 (Defendants' Exhibit 7, Notice of 12 Motion to Compel Arbitration and Dismiss 13 Class Claims and Stay Action, Memorandum 14 of Law in Support was previously marked 15 for identification.) 16 Q. Ms. Ivey, I am going to show you a 17 document that's been marked exhibit 7. 18 ATTORNEY BRUSTEIN: Does Paul have 19 these copies -- 20 ATTORNEY LUNDY: No. 21 ATTORNEY BRUSTEIN: -- or is he 22 just hanging out? 23 ATTORNEY LUNDY: He doesn't have 24 the copies. 25 ATTORNEY BOLAND: You've got all of</p>	Page 62	Page 63
<p>1 O. IVEY 2 of Cathy Hwang was previously marked for 3 identification.) 4 Q. Let's turn to exhibit 8, please. 5 The document in front of you was 6 marked -- 7 ATTORNEY BRUSTEIN: You're not 8 going back to 7, right? 9 ATTORNEY LUNDY: No. We'll try to 10 breeze through these quickly. 11 Q. The document marked exhibit 8 is 12 titled Declaration of Cathy Hwang and it's 13 dated November 15, 2022. 14 Have you seen this document before? 15 ATTORNEY BRUSTEIN: Objection. 16 A. Yes. 17 Q. Do you know what matter it's in 18 reference to? 19 ATTORNEY BRUSTEIN: Objection. 20 A. It's in reference to the lawsuit 21 that we're bringing. 22 Q. When did you see this document? 23 ATTORNEY BRUSTEIN: Objection. 24 A. I don't remember what date. 25 Q. Do you maintain a copy of this</p>	Page 64	Page 65

<p>1 O. IVEY 2 this document before December 6, 2022? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I don't remember the dates. 5 Q. Did you ever review documents 6 before they're filed in this lawsuit on your 7 behalf? 8 A. Yes. 9 Q. Do you recall specifically 10 reviewing this document before it was filed? 11 ATTORNEY BRUSTEIN: Objection. 12 A. I don't remember. 13 (Defendants' Exhibit 10, 14 Declaration of Evan Brustein was 15 previously marked for identification.) 16 Q. I am going to show you a document 17 marked exhibit 10. Ms. Ivey, I have given you 18 a document marked exhibit 10. It's titled 19 Declaration of Evan Brustein, and it's dated 20 December 5, 2022. 21 Have you seen this document before? 22 A. Yes. 23 Q. Are you aware that the defendants, 24 the Warner defendants in this case have filed 25 a motion to dismiss the amended complaint in</p>	Page 66	<p>1 O. IVEY 2 its entirety? 3 A. Yes, I am aware. 4 Q. When did you become aware of that? 5 A. I don't remember what date. 6 Q. Did you review this document before 7 it was filed? 8 A. Yes. 9 Q. And if you look on the last page of 10 this document -- 11 A. Yes. 12 Q. -- it's titled Declaration of Olive 13 Ivey and it's dated December 5, and there is a 14 signature at the bottom. Is that your 15 signature? 16 A. It is, yes. 17 Q. And do you recall signing this 18 document? 19 A. Yes. 20 Q. And as you sit here today do you 21 believe that the information contained in this 22 declaration is true and accurate? 23 A. Yes. 24 Q. And in this declaration you state 25 at paragraph 3: I have reviewed the EmPact</p>	Page 67
<p>1 O. IVEY 2 agreement annexed to the declaration of Evan 3 Brustein dated December 5, 2022 and that it is 4 true and accurate copy of the EmPact agreement 5 last revised February 2018 and I have 6 acknowledged receiving in 2018. 7 ATTORNEY BRUSTEIN: Objection. 8 Q. Is the EmPact agreement referenced 9 in paragraph 3 the EmPact agreement attached 10 to this exhibit 10? 11 A. It would appear so, yes. 12 Q. In connection with this lawsuit is 13 this the EmPact agreement that you have 14 brought claims under? 15 A. Yes. 16 Q. Your declaration also confirms that 17 you signed the EmPact agreement, is that 18 right? 19 ATTORNEY BRUSTEIN: Objection. 20 A. Yes. 21 Q. And you believe it's a valid 22 contract, is that right? 23 A. Yes. 24 Q. And you believe that you and all 25 others similarly situated fully complied with</p>	Page 68	<p>1 O. IVEY 2 your obligations under the agreement? 3 A. Yes. 4 Q. How do you know that others fully 5 complied with their obligations under this 6 agreement? 7 ATTORNEY BRUSTEIN: Objection. 8 A. Well, I think that it's an 9 agreement between us and the people that 10 presented it to us, and if we don't comply to 11 the EmPact then there are consequences to 12 that. 13 Q. How do you know that other 14 individuals fully complied with the contract? 15 How do you know? 16 ATTORNEY BRUSTEIN: Objection. 17 A. Because if we don't -- if -- 40 18 years I have been at the Four Seasons midtown. 19 If we don't comply to the EmPact agreement 20 then there are consequences for that. 21 Q. Did you speak to any others 22 similarly situated to you to confirm that they 23 fully complied with the EmPact agreement? 24 A. I have not spoken to them. 25 Q. But your allegations in your</p>	Page 69

<p>1 O. IVEY 2 complaint say that you fully complied with the 3 EmPact agreement, is that right? 4 A. Yes. 5 Q. Okay. But you don't know for sure 6 if others fully complied with the EmPact 7 agreement, right? 8 ATTORNEY BRUSTEIN: Objection. 9 A. I don't know. 10 Q. Let's put this aside. We'll be 11 referring back to it later today. 12 (Defendants' Exhibit 11, Reply 13 Memorandum of Law in Further Support of 14 the Warner Defendants' Motion to Compel 15 was previously marked for 16 identification.) 17 Q. Ms. Ivey I'm showing you a document 18 marked yesterday as exhibit 11. It's dated 19 December 13, 2022 and it's titled Reply 20 Memorandum of Law in Further Support of the 21 Warner Defendants' Motion to Compel 22 Arbitration. 23 Have you seen this document before? 24 A. Yes. 25 Q. And have you reviewed it before?</p>	<p>Page 70</p> <p>1 O. IVEY 2 A. Yes. 3 Q. And do you maintain it in your 4 files? 5 ATTORNEY BRUSTEIN: Objection. 6 A. More than likely, yeah. 7 Q. And do you recall when you reviewed 8 this document before? 9 ATTORNEY BRUSTEIN: Objection. 10 A. I don't remember. 11 Q. Do you recall when you received 12 this? 13 ATTORNEY BRUSTEIN: Objection. 14 A. I don't remember. 15 (Defendants' Exhibit 12, Notice of 16 Motion to Dismiss, Memorandum of Law in 17 Support of the Warner Defendants' Motion 18 to Dismiss the Complaint was previously 19 marked for identification.) 20 Q. Ms. Ivey, I am going to show you a 21 document that has been marked yesterday as 22 exhibit 12, and it's dated December 5, 2022 23 and its titled Notice of Motion to Dismiss, 24 and two pages in there's a Memorandum of Law 25 in Support of the Warner Defendants' Motion to</p>
<p>1 O. IVEY 2 Dismiss the Complaint. 3 Have you seen this before? 4 ATTORNEY BRUSTEIN: Objection. 5 A. Yes. 6 Q. And do you know what it's in 7 reference to? 8 A. I think it's in reference to a 9 motion to dismiss the case. 10 Q. You previously testified that you 11 are aware that there were motions to dismiss 12 the complaint in this action, right? 13 A. Yes. 14 Q. Are you aware that there were two 15 motions to dismiss the complaint in this 16 action? 17 ATTORNEY BRUSTEIN: Objection. 18 A. Yes. 19 Q. Do you recall when they were filed? 20 A. I don't remember dates. 21 Q. Do you know whether any are 22 currently pending? 23 A. I don't – I don't know. I don't 24 remember. 25 (Defendants' Exhibit 13,</p>	<p>Page 72</p> <p>1 O. IVEY 2 Declaration of Elizabeth Ortiz was 3 previously marked for identification.) 4 Q. Ms. Ivey, I am going to show you a 5 document marked exhibit 13. This is a 6 document dated December 2, 2022 and it's 7 titled Declaration of Elizabeth Ortiz. 8 Have you seen this before? 9 ATTORNEY BRUSTEIN: Objection. 10 A. I don't remember if I saw this 11 before. I don't remember. I don't remember 12 if I've seen this before. 13 (Defendants' Exhibit 14, Notice of 14 Motion to Dismiss, Memorandum of Law in 15 Support of the Warner Defendants' Motion 16 to Dismiss was previously marked for 17 identification.) 18 Q. Ms. Ivey, I am going to show you a 19 document marked exhibit 14. It's dated 20 January 20, 2023 titled Notice of Motion to 21 Dismiss and Memorandum of Law in Support of 22 the Warner Defendants' Motion to Dismiss the 23 Amended Complaint on the third page. 24 Have you seen this document before? 25 A. I don't remember if I have seen</p>

<p>1 O. IVEY 2 this document before. 3 Q. Do you believe as a class 4 representative it's your responsibility to 5 review all documents that have been filed in 6 this lawsuit? 7 ATTORNEY BRUSTEIN: Objection. 8 A. Yes. 9 Q. But you just testified that you 10 don't recall whether or not you've seen that 11 document before, is that right? 12 A. Right. Because it's a lot of 13 documents and it's -- its a lot of documents. 14 I don't remember -- I read documents that are 15 presented to me and sometimes I don't 16 remember -- it's a lot. And I'm not -- I'm 17 not a legal mind. 18 (Defendants' Exhibit 15, 19 Declaration of Elizabeth Ortiz with 20 exhibits was previously marked for 21 identification.) 22 Q. I am going to show you a document 23 marked exhibit 15. This is dated December -- 24 sorry -- January 19, 2023. It's titled 25 Declaration of Elizabeth Ortiz.</p>	<p>Page 74</p> <p>1 O. IVEY 2 Have you seen this document before? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I don't remember if I have seen 5 this document before. 6 (Defendants' Exhibit 16, 7 Plaintiffs' Memorandum of Law in 8 Opposition to Defendants' Hotel 57 9 Services Motion to Dismiss the Amended 10 Complaint was previously marked for 11 identification.) 12 Q. Ms. Ivey, I am going to show you a 13 document marked exhibit 16. It's dated 14 February 7, 2023. It's titled Plaintiffs' 15 Memorandum of Law in Opposition to Defendants' 16 Hotel 57 Services LLC, Hotel 57 LLC, Ty Warner 17 Hotels & Resorts LLC and H. Ty Warner's Motion 18 to Dismiss LLC. 19 Have you seen this document before? 20 ATTORNEY BRUSTEIN: Objection. 21 A. I don't remember if I've seen this 22 document before. 23 Q. Do you know whether this document 24 identifies the withdrawal of any of the 25 allegations in the complaint?</p>
<p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. 3 A. I don't remember -- I would have to 4 look. I don't remember if I have seen it 5 before. I don't remember, so I wouldn't know 6 that. 7 ATTORNEY BRUSTEIN: I am going to 8 need just a minute. 9 ATTORNEY LUNDY: Sure. 10 ATTORNEY BRUSTEIN: I don't mean to 11 go off the record. I mean to find 17. 12 ATTORNEY LUNDY: Oh, sure. 13 ATTORNEY BRUSTEIN: We had a good 14 run, but ... 15 ATTORNEY LUNDY: Yes. You can take 16 my copy. It's okay (handing.) 17 ATTORNEY BRUSTEIN: Thank you. 18 (Defendants' Exhibit 17, 19 Declaration of Evan Brustein with 20 exhibits was previously marked for 21 identification.) 22 Q. Ms. Ivey, I am going to show you a 23 document that has been marked exhibit 17. 24 Have you seen this document before? 25 (The witness reviews document.)</p>	<p>Page 76</p> <p>1 O. IVEY 2 A. I'll see if something jogs my 3 memory about which document this is. I don't 4 remember. 5 Q. And this document is titled 6 Declaration of Evan Brustein, is that right? 7 A. Yes. 8 Q. And on the second page it's a 9 Memorandum of Law in Opposition to Petition 10 For Appointment of Arbitrators? 11 ATTORNEY BRUSTEIN: Objection. 12 ATTORNEY LUNDY: Strike that, 13 please. 14 A. Yeah, I see that second page. 15 (Defendants' Exhibit 19, Reply 16 Memorandum of Law in Further Support of 17 the Warner Defendants' Motion to Dismiss 18 the Amended Complaint was previously 19 marked for identification.) 20 Q. Ms. Ivey, I am going to show you a 21 document marked exhibit 19. It's dated 22 February 14, 2023. And it's a Reply 23 Memorandum of Law in Further Support of the 24 Warner Defendants Motion to Dismiss the 25 Amended Complaint.</p>

<p>1 O. IVEY 2 Have you seen this before? 3 A. I don't remember. 4 ATTORNEY BROMBERG: Did we skip 18? 5 ATTORNEY LUNDY: We did. 6 ATTORNEY BROMBERG: Just making 7 sure. 8 ATTORNEY BRUSTEIN: Are you done 9 with that segment? 10 ATTORNEY LUNDY: Yes. Do you want 11 to take a break? 12 ATTORNEY BRUSTEIN: I think a 13 five-minute break? 14 ATTORNEY LUNDY: Sure. That works. 15 ATTORNEY BRUSTEIN: Thank you. 16 -- 17 (Recess from 11:21 to 11:31.) 18 -- 19 ATTORNEY LUNDY: Back on the 20 record. 21 Q. Ms. Ivey, as a plaintiff in this 22 matter, do you understand that you have an 23 obligation in this lawsuit to cooperate in the 24 production of documents and information? 25 A. Yes.</p>	<p>Page 78</p> <p>1 O. IVEY 2 Q. Can you please describe what you 3 have done to cooperate in the production of 4 documents and information? 5 ATTORNEY BRUSTEIN: Objection and 6 I'm going to direct her to exclude from 7 that answer communications and providing 8 documents or receiving documents with 9 counsel. 10 Q. Ms. Ivey, what did you 11 independently do to identify and locate any 12 documents to be produced in this lawsuit? 13 A. I searched for all correspondence 14 that I received. 15 Q. How did you search for those 16 correspondence? 17 A. On my email. 18 Q. Anything else? 19 A. Any mails that I might have 20 received. 21 Q. When you say "mails" what do you 22 mean? 23 A. Any mail from -- well, I received a 24 mail from Principal, so I turned it over. 25 Q. Anything else?</p>
<p>1 O. IVEY 2 A. That's basically it. 3 Q. Do you maintain any hard copy files 4 pertaining to your employment at the hotel? 5 ATTORNEY BRUSTEIN: Objection. 6 A. No. 7 Q. Do you maintain any electronic 8 files pertaining to your employment at the 9 hotel? 10 ATTORNEY BRUSTEIN: Objection. 11 A. I have my emails. 12 Q. Anything else? 13 A. No. 14 Q. Ms. Ivey, I am going to show you a 15 document that was previously marked yesterday 16 as exhibit 20. 17 (Defendants' Exhibit 20, 18 Plaintiffs' Rule 26 (A)(1)(A) Initial 19 Disclosures was previously marked for 20 identification.) 21 Q. Ms. Ivey, I have shown you a 22 document that's been previously marked as 23 exhibit 20. Have you seen this document 24 before? 25 A. In this entirety, no.</p>	<p>Page 80</p> <p>1 O. IVEY 2 Q. And if you turn to the second page 3 you'll see at the bottom there are markings -- 4 you'll see markings Staley v FSR 0001. Do you 5 see that? 6 A. No. On -- 7 ATTORNEY BRUSTEIN: You said the 8 second page. 9 ATTORNEY LUNDY: I'm sorry. I 10 wasn't looking at the actual document. 11 Q. Beginning at the production. 12 A. This one here? 13 Q. Correct. 14 A. Okay. 15 Q. And do you see at the bottom of 16 that page the marking Staley v FSR 0001? 17 A. Yes. 18 Q. And if you turn to the last page 19 you'll see a different number in the same 20 location, and that is Staley v FSR 0261. Do 21 you see that? 22 A. Yes. 23 Q. And is it your understanding that 24 the documents marked Staley v FSR 0001 through 25 Staley v FSR 0261 was the entire initial</p>

<p>1 O. IVEY 2 production of plaintiffs in this matter? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I am assuming it is. 5 Q. Ms. Ivey, if you turn back to the 6 first document, which is titled Plaintiffs' 7 Rule 26 (A)(1)(A) Initial Disclosures, and if 8 you turn to, it's under section B. And you 9 will see the identifiers that we were just 10 referencing, Staley v FSR 0001. Do you see 11 that? 12 A. Yes. 13 Q. In section B? 14 A. Yes. 15 Q. Can you review B for a moment and 16 let me know when you're done. 17 A. Okay. 18 (The witness reviews document.) 19 A. Okay. 20 Q. You previously testified that you 21 had gathered responsive documents and 22 information in connection with this lawsuit. 23 Are any of those documents that you were 24 referring to identified in this section B of 25 this document?</p>	<p>Page 82</p> <p>1 O. IVEY 2 (The witness reviews document.) 3 A. Yes. 4 Q. Do you recall when you gathered 5 responsive documents for this lawsuit? 6 A. I don't remember the date, no. 7 Q. Do you recall whether it was before 8 December 26, 2022? 9 ATTORNEY BRUSTEIN: Objection. 10 A. I don't remember. 11 Q. Well, if the documents were 12 produced in or about December 26, 2022 it's 13 fair to say that it would have been before 14 that date, right? 15 ATTORNEY BRUSTEIN: Objection. 16 A. That's fair to say. 17 Q. Have you done anything since 18 December 26, 2022 to gather any additional 19 responsive documents or information in 20 connection with this lawsuit? 21 A. I don't remember doing so. 22 Q. Ms. Ivey, I am going to -- you can 23 put this aside. Thank you. 24 (Defendants' Exhibit 21, 25 Plaintiffs' First Supplemental</p>
<p>1 O. IVEY 2 Disclosures was previously marked for 3 identification.) 4 Q. Ms. Ivey, I am going to show you a 5 document that was marked yesterday as exhibit 6 21. Have you seen this before? 7 A. I don't remember seeing this 8 document, no. 9 Q. I'm sorry, I didn't hear you, 10 Ms. Ivey? 11 A. I don't remember seeing this 12 document, no. 13 Q. Okay. This document references at 14 number 1, "audio recording on the June 25, 15 2021 Zoom meeting," and then it references 16 that same Staley v FSR with a new number, 17 0262. 18 A. Mm-hmm. 19 Q. Do you know what that's referring 20 to? 21 ATTORNEY BRUSTEIN: Objection. 22 A. It's referring to the meeting on 23 June 25, 2021. 24 Q. Have you heard any recording from a 25 meeting that occurred on June 25, 2021?</p>	<p>Page 84</p> <p>1 O. IVEY 2 A. Yes. 3 Q. When did you hear that recording? 4 ATTORNEY BRUSTEIN: Objection. 5 A. I don't remember the date. 6 Q. What meeting are you referring to? 7 A. It was a meeting that was held on, 8 I think it was Zoom, with the Four Seasons 9 Hotel midtown and all employees that wanted to 10 log on, and Elizabeth Ortiz was on, as were 11 some other Four Seasons, um, folks. I don't 12 remember their names. 13 Q. Do you know who was on the Zoom 14 meeting call other than those you've already 15 identified? 16 A. There were a lot of employees on. 17 There was a lot of people on, so I don't -- I 18 don't recall who else was on. 19 Q. Do you know who recorded the June 20 25, 2021, it was a Teams meeting, do you know 21 who recorded that? 22 A. I don't know who did. 23 Q. Who gave you a copy of the 24 recording? 25 ATTORNEY BRUSTEIN: Objection. To</p>

<p>1 O. IVEY 2 the extent that that involves 3 attorney-client communication, I would 4 direct her not to answer. If it came 5 from some source other than 6 attorney-client communication she can 7 answer. 8 Q. Can you answer the question? 9 A. No. 10 Q. Okay. But you don't know who 11 recorded the June 25, 2021 – 12 A. No. 13 Q. -- Teams meeting? 14 A. No. 15 Q. How many times have you listened to 16 the recording? 17 A. I listened to it once. 18 Q. At the time that the June 25, 2021 19 Teams meeting was occurring did you know it 20 was being recorded? 21 A. No. 22 ATTORNEY BRUSTEIN: Objection. 23 Q. Did anyone on the Teams meeting 24 advise you that it was being recorded? 25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 86</p> <p>1 O. IVEY 2 A. No. 3 Q. Where were you located when the 4 Teams meeting on June 25, 2021 was occurring, 5 physically? 6 A. In my house. 7 Q. And where is your house? 8 A. In Brooklyn. 9 Q. You previously testified that there 10 were a lot of other employees on the Teams 11 meeting call. Do you know where they were 12 located? 13 A. No. 14 Q. Is it possible that they were out 15 of state? 16 ATTORNEY BRUSTEIN: Objection. 17 A. I don't know. 18 Q. Do you know whether everyone on 19 that call was located in New York State? 20 ATTORNEY BRUSTEIN: Objection. 21 A. I don't know where they were. 22 Q. And during that Teams meeting call 23 did you ask any questions? 24 A. No. 25 Q. Did you submit any questions by any</p>
<p>1 O. IVEY 2 written format during that Teams meeting? 3 A. I had questions but they would be 4 repetitive for me to ask, because they were 5 being asked. 6 Q. My question was did you submit any 7 written questions? 8 A. No. I don't remember submitting 9 any. 10 Q. Ms. Ivey, I am going to refer you 11 to another document. This one is marked 12 exhibit 24. 13 (Defendants' Exhibit 24, 14 Defendants' First Demand For Production 15 of Documents was previously marked for 16 identification.) 17 Q. Have you seen this document before? 18 A. Yes. 19 Q. Can you identify it for me, please? 20 A. It's – 21 ATTORNEY BRUSTEIN: Objection. 22 A. – it was basically the document 23 asking us to produce documents. 24 Q. Do you recall when you saw this 25 document?</p>	<p>Page 88</p> <p>1 O. IVEY 2 A. I don't remember now. 3 Q. You previously testified that you 4 gathered certain documents in connection with 5 this lawsuit, right? 6 A. Yes. 7 Q. And is this the document that you 8 reviewed to determine what records should be 9 produced in this matter? 10 ATTORNEY BRUSTEIN: Objection. 11 A. I don't remember if this was the 12 document that I used, but I do know that a 13 list was provided. 14 Q. That's fine. Do you know whether 15 or not the Warner defendants ever served 16 additional requests for documents? 17 ATTORNEY BRUSTEIN: Objection. 18 A. Yes. 19 Q. Do you recall when that was? 20 A. I don't remember. 21 Q. Do you know whether or not the 22 Warner defendants ever served any additional 23 requests for documents or information? 24 ATTORNEY BRUSTEIN: Objection. 25 A. Any additional from the first time?</p>

<p>1 O. IVEY 2 Q. Yes. 3 ATTORNEY BRUSTEIN: Objection. 4 A. I believe that we had two 5 requests -- or we had more than one request. 6 There was an initial request and then there 7 was an additional request that they needed 8 additional information. 9 Q. When you say "they" are you 10 referring to the defendants? 11 A. Yes. 12 (Defendants' Exhibit 25, 13 Plaintiffs' Responses and Objections to 14 Defendants' First Request For Production 15 of Documents was previously marked for 16 identification.) 17 Q. Ms. Ivey, I am showing you a 18 document marked exhibit 25. Have you seen 19 this document before? 20 ATTORNEY BRUSTEIN: Objection. 21 A. I don't remember seeing it. I 22 don't remember. 23 Q. Do you recall reviewing this 24 document before? 25 A. I don't remember.</p>	<p>Page 90</p> <p>1 O. IVEY 2 Q. Throughout the document, let's turn 3 to page 20 as an example, document request 4 number 44. The document request seeks "all 5 documents concerning any administrative 6 hearing, lawsuit or legal proceeding" -- 7 ATTORNEY LUNDY: Strike that. 8 Q. Ms. Ivey, I am going to refer you 9 to page 4, please. Document request No. 2. 10 The request seeks: "All documents concerning 11 communications among plaintiffs concerning the 12 subject matter of this action and any of the 13 factual allegations and/or claims in the 14 complaint, specifically including, without 15 limitation plaintiffs hire and termination of 16 employment at the hotel by any of the 17 defendants." 18 You previously testified that you 19 have text messages with Ms. Holmes, is that 20 right? 21 ATTORNEY BRUSTEIN: Objection. 22 A. Yes, we text. 23 Q. And you previously testified that 24 those text messages with Ms. Holmes pertained 25 to your employment at the hotel, is that</p>
<p>1 O. IVEY 2 right? 3 ATTORNEY BRUSTEIN: Objection. 4 A. Could you rephrase? It has to do 5 with -- we text about friends, family. 6 Q. But you -- 7 A. We also text about if we would be, 8 you know, when we would be going back to work. 9 Q. And have those text messages been 10 produced in this matter? 11 ATTORNEY BRUSTEIN: Objection. 12 A. I don't recall. 13 Q. Thank you. 14 (Defendants' Exhibit 26, 15 Defendants' First Set of Interrogatories 16 was previously marked for 17 identification.) 18 Q. Ms. Ivey, I am going to show you a 19 document marked exhibit 26. Have you seen 20 this before? 21 (The witness reviews document.) 22 ATTORNEY BRUSTEIN: Objection. 23 A. I think I have, yes. 24 Q. Do you recall when you saw it? 25 A. I don't remember the date, no.</p>	<p>Page 92</p> <p>1 O. IVEY 2 Q. The document is titled Defendants' 3 First Set of Interrogatories. Have you 4 gathered any information in connection with 5 this lawsuit to be produced in discovery in 6 this matter? 7 A. Could you please repeat? I'm 8 sorry? 9 Q. Similar to gathering documents for 10 the production in this lawsuit for discovery, 11 did you also gather information that should be 12 produced as a plaintiff and a class 13 representative in this lawsuit? 14 ATTORNEY BRUSTEIN: Objection. 15 A. Yes. 16 Q. Let's turn to interrogatory No. 1. 17 It says: Identify by name, address, telephone 18 number and relationship to plaintiffs all 19 persons with knowledge of information 20 concerning and relevant to the subject matter 21 of this action and a brief description of that 22 knowledge. 23 You previously testified that you 24 have spoken to other teams members concerning 25 your status of employment at the hotel. Did</p>

<p>1 O. IVEY 2 you identify those individuals in response to 3 interrogatory No. 1? 4 ATTORNEY BRUSTEIN: Objection. 5 A. I did not communicate with them as 6 far as titles. They were asking if we knew 7 when the hotel would reopen, if we would be 8 going back to work. That kind of thing. To 9 which I did not have an answer for them. 10 Q. Do you believe this lawsuit 11 pertains to whether or not the hotel is going 12 to reopen? 13 ATTORNEY BRUSTEIN: Objection. 14 A. No. This lawsuit pertains to the 15 fact that we were terminated without proper 16 warning or any form of compensation. 17 Q. As you sit here today, do you 18 believe that all of the employees from the 19 hotel believe that they have been terminated 20 from their employment from the hotel? 21 ATTORNEY BRUSTEIN: Objection. 22 A. I don't know what they believe. 23 Q. Do you believe that some of those 24 employees expect to be recalled if the hotel 25 reopens?</p>	<p style="text-align: right;">Page 94</p> <p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. 3 A. I don't know what they expect. 4 Q. Would it surprise you to learn that 5 Ms. Holmes would like to be recalled if the 6 hotel reopened? 7 ATTORNEY BRUSTEIN: Objection. 8 A. Nothing surprises me. 9 Q. Are you aware that employees from 10 the hotel continue to work from that property 11 at 57 East 57th Street to this day? 12 ATTORNEY BRUSTEIN: Objection. 13 A. I don't know what happens at that 14 hotel. I have not been there in three years. 15 So I don't know. I've been there once to see 16 Ms. Ortiz to pick up my clothes, and, um, I am 17 assuming yes, there was security there, that 18 was the only person I saw, and Ms. Ortiz. 19 Q. Thank you. 20 (Defendants' Exhibit 27, 21 Plaintiffs' Responses and Objections to 22 Warner Defendants' First Set of 23 Interrogatories was previously marked 24 for identification.) 25 Q. Ms. Ivey, I am showing you a</p>
<p>1 O. IVEY 2 document marked exhibit 27. Have you seen 3 this before? 4 ATTORNEY BRUSTEIN: Objection. 5 (The witness reviews document.) 6 A. Yes, I think I've seen this before. 7 Q. It's titled Plaintiffs' Responses 8 and Objections to Warner Defendants' First Set 9 of Interrogatories, is it not? 10 A. That's what it says, yes. 11 Q. If you could please -- 12 ATTORNEY LUNDY: We're going to 13 have our first exhibit today. You can 14 keep that to the side, if you don't 15 mind. 16 ATTORNEY BRUSTEIN: Off the record? 17 (Discussion off the record.) 18 (Defendants' Exhibit 59, 19 verification was marked for 20 identification). 21 Q. Ms. Ivey, I am going to show you a 22 document that's been marked exhibit 59. 23 ATTORNEY BRUSTEIN: Just one page. 24 ATTORNEY LUNDY: Yes, just one 25 page.</p>	<p style="text-align: right;">Page 96</p> <p>1 O. IVEY 2 Q. Please keep exhibit 27 still 3 available. 4 Ms. Ivey, looking at exhibit 59, is 5 that your signature on the document? 6 A. Yes, it is. 7 Q. And it says: I am one of the 8 plaintiffs in the within action. I have read 9 the foregoing plaintiffs' responses and 10 objections to Warner defendants' first set of 11 interrogatories. I know the contents thereof, 12 the contents are true to the best of my 13 knowledge and information and belief. 14 Is your verification in reference 15 to exhibit 27? 16 A. Yes. 17 Q. And as you sit here today, is it 18 your understanding that the responses are true 19 and accurate to the best of your knowledge? 20 A. Yes. 21 (Defendants' Exhibit 60, documents 22 was marked for identification). 23 Q. Ms. Ivey, I have just handed you a 24 document that has been marked as exhibit 60. 25 If you would take a minute and review those</p>

<p>1 O. IVEY 2 documents, please. 3 ATTORNEY BRUSTEIN: I'm sorry. The 4 first two pages don't have any Bates 5 numbers? 6 ATTORNEY LUNDY: Unfortunately at 7 times when we print out the production 8 it doesn't always have your Bates 9 numbers on them. 10 ATTORNEY BRUSTEIN: Okay. So you 11 are representing that these were Bates 12 numbered documents? 13 ATTORNEY LUNDY: Correct. 14 ATTORNEY BRUSTEIN: Okay. I just 15 wanted to make sure that there wasn't -- 16 ATTORNEY BOLAND: It's a pain in 17 the ass to print them for some reason. 18 I don't know why. 19 ATTORNEY BROMBERG: Just for the 20 record, what's the first Bates number on 21 this? 22 ATTORNEY LUNDY: 90. 23 ATTORNEY BROMBERG: And the last 24 number is? It's cut off. 25 ATTORNEY LUNDY: Let's just focus</p>	<p>Page 98</p> <p>1 O. IVEY 2 on documents that appear to be from 3 Staley v FSR 0090 through Staley v FSR 4 103. 5 Q. Have you reviewed those documents, 6 Ms. Ivey? 7 A. Yes. 8 Q. Okay. Have you seen these 9 documents before? 10 A. Yes. The ones that I am looking 11 at, yes. 12 Q. And on the first page it says OM 13 Rodriguez? 14 A. Mm-hmm. 15 Q. And it lists an address at 65 East 16 81st Street, Brooklyn, New York 11236. Is 17 that your address? 18 A. Yes. 19 Q. And is the reference to OM 20 Rodriguez, to the best of your knowledge, 21 referring to you? 22 A. It is, yes. 23 Q. As you sit here today, is it your 24 understanding that documents marked at exhibit 25 60 are the documents that you have been able</p>
<p>1 O. IVEY 2 to locate in connection with this lawsuit? 3 ATTORNEY BRUSTEIN: Objection. 4 A. Yes. 5 ATTORNEY BRUSTEIN: You're asking 6 about just that one page? 7 ATTORNEY LUNDY: I was talking 8 about the whole set, exhibit 60. 9 ATTORNEY BRUSTEIN: I'm just 10 confused by your question because you 11 said eleven pages you're directing her 12 attention and then the whole set? Are 13 you referring to the entire exhibit or 14 the eleven pages you asked her to look 15 at. 16 ATTORNEY LUNDY: Let me break it 17 down. 18 Q. Ms. Ivey, turning back to exhibit 19 60, from pages marked Staley v FSR 90 through 20 103 -- 21 A. There's no -- okay. All right. 22 Q. Have you seen these documents 23 before? 24 A. Yes. 25 Q. And is it your understanding that</p>	<p>Page 100</p> <p>1 O. IVEY 2 these are documents that you located for the 3 production in this lawsuit? 4 A. Yes. 5 Q. And for the remaining pages of 6 exhibit 60, have you seen those pages before? 7 ATTORNEY BRUSTEIN: I'm just going 8 to object because these clearly, some of 9 them are partial pages. 10 ATTORNEY LUNDY: That's how they 11 were produced to us. So I'm just trying 12 to -- 13 ATTORNEY BRUSTEIN: Well, they were 14 produced in electronic form. 15 ATTORNEY LUNDY: Right, and when we 16 printed them out this is how they 17 appear. So I am just asking her if 18 she's seen these documents before as 19 they appear. 20 A. I'm not sure what these two are 21 (indicating). 22 Q. Okay. And the document beginning 23 at Staley v FSR 107, have you seen that 24 before? 25 A. Yes.</p>

<p>1 O. IVEY</p> <p>2 Q. Thank you.</p> <p>3 ATTORNEY BRUSTEIN: Are you done</p> <p>4 with 60?</p> <p>5 ATTORNEY LUNDY: I am. Thank you.</p> <p>6 Q. Ms. Ivey, when did you first apply</p> <p>7 for a job at the hotel?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. That was a long time ago. That was</p> <p>10 in October of -- I don't remember. 90 ...</p> <p>11 this year will be 25 years. So it would be 25</p> <p>12 years ago. What is that, '97?</p> <p>13 Q. Approximately 1997?</p> <p>14 A. Yes.</p> <p>15 Q. And what position did you apply for</p> <p>16 back --</p> <p>17 A. Room attendant.</p> <p>18 Q. And were you hired as a room</p> <p>19 attendant at the hotel?</p> <p>20 A. Yes.</p> <p>21 Q. And was that in approximately 1997?</p> <p>22 A. Approximately, yes.</p> <p>23 Q. Did you hold other positions at the</p> <p>24 hotel?</p> <p>25 A. Yes.</p>	<p>Page 102</p> <p>1 O. IVEY</p> <p>2 Q. What other positions have you held?</p> <p>3 A. I was a telephone operator.</p> <p>4 Q. For how long were you a telephone</p> <p>5 operator?</p> <p>6 A. Over a year. I was reservations</p> <p>7 agent. I was a front office coordinator. I</p> <p>8 was a housekeeping floor supervisor. I was a</p> <p>9 housekeeping assistant manager. And I was a</p> <p>10 senior housekeeping manager.</p> <p>11 Q. When were you elevated to senior</p> <p>12 housekeeping manager?</p> <p>13 A. I don't remember. I don't remember</p> <p>14 dates. I know it was prior to -- it was</p> <p>15 probably in 2019. Approximately 2019.</p> <p>16 Q. We're going to refer back to</p> <p>17 exhibit 10.</p> <p>18 Ms. Ivey, we previously discussed</p> <p>19 exhibit 10 and specifically the EmPact</p> <p>20 agreement attached to it, is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And you previously testified that</p> <p>23 this was -- strike that.</p> <p>24 You previously testified that you</p> <p>25 signed this EmPact agreement, is that right?</p>
<p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. Did you receive the EmPact</p> <p>4 agreement in the course of your employment</p> <p>5 with Hotel 57 Services, LLC?</p> <p>6 A. Yes.</p> <p>7 Q. And did you review the EmPact</p> <p>8 agreement at the time you signed it?</p> <p>9 A. Yes.</p> <p>10 Q. In January of 2020 you were a</p> <p>11 manager at the hotel, is that right?</p> <p>12 A. Yes.</p> <p>13 Q. You were the senior housekeeping</p> <p>14 manager?</p> <p>15 A. Yes.</p> <p>16 Q. And in that role what were your</p> <p>17 responsibilities?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. I was responsible for the daily</p> <p>20 operations of the housekeeping department,</p> <p>21 supervising supervisors, room attendants,</p> <p>22 housemen. Ensure to cleanliness of the hotel,</p> <p>23 basically.</p> <p>24 Q. What does it mean to supervise</p> <p>25 supervisors?</p>	<p>Page 104</p> <p>1 O. IVEY</p> <p>2 A. So I supervised a staff. There are</p> <p>3 the supervisors who supervise the staff but I</p> <p>4 also needed to oversee everything that was</p> <p>5 being done on my shift for the day.</p> <p>6 Q. Did you receive training for that</p> <p>7 role?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have individuals that</p> <p>10 reported into you?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. Yes.</p> <p>13 Q. How many individuals reported into</p> <p>14 you?</p> <p>15 A. It differs on a daily basis.</p> <p>16 Q. Did you consider yourself to be a</p> <p>17 supervisor?</p> <p>18 A. I considered myself to be a</p> <p>19 manager.</p> <p>20 Q. And how many individuals did you</p> <p>21 manage on a day-to-day basis?</p> <p>22 A. It differs.</p> <p>23 Q. How much did it differ?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. It differs significantly based on</p>

<p>1 O. IVEY 2 occupancy. 3 Q. Can you give me a general range of 4 how much it could differ? 5 ATTORNEY BRUSTEIN: Objection. 6 A. It just is really dependent on how 7 much -- how many people are reporting to work 8 that day. So on a slow day, holidays or 9 during slow season it can be twenty people or 10 thirty people. And on a day that we're 11 running at high occupancy it can be 70 people, 12 or even more. It really fluctuates based on 13 occupancy. 14 Q. In January 2020 did you have a 15 supervisor? 16 A. Yes. 17 Q. Who was your supervisor? 18 A. Well, I report to the director, 19 assistant director of housekeeping. And also 20 I report to the director of rooms. 21 Q. Can you identify those people for 22 me, please? 23 ATTORNEY BRUSTEIN: Objection. 24 A. The director of rooms is Sharon 25 Brambrut. The director -- we did not have a</p>	<p>Page 106</p> <p>1 O. IVEY 2 director of housekeeping -- well, a new hire 3 came on. Was she director or assistant 4 director? I don't remember if she was 5 director or assistant director. But her name 6 was Rasha. 7 Q. Do you know how to spell that? 8 A. R-a-s-h-a. I don't remember her 9 last name. She came on very shortly after 10 we -- she came on and she wasn't there for a 11 long time. 12 Q. Did she resign or something else? 13 A. No, she came on and then we -- she 14 was there for some months and then we were 15 sent home. 16 Q. Is Sharon Brambrut still employed 17 by Hotel 57 Services LLC? 18 ATTORNEY BRUSTEIN: Objection. 19 A. I don't know. 20 Q. When was the last time you spoke to 21 Sharon Brambrut? 22 A. When I went on task force. 23 Q. When did you go on task force? 24 ATTORNEY BRUSTEIN: Objection. 25 A. I don't remember the date. I spoke</p>
<p>1 O. IVEY 2 to her -- I know it was after I went to 3 Philadelphia. I spoke to her when I was 4 contacted to go downtown. Because I did a 5 stint downtown, so I remember her saying she 6 heard that I was going downtown. 7 Q. When you say downtown, is that -- 8 A. Downtown Four Seasons. Downtown. 9 Q. When you say a stint, what do you 10 mean by that? 11 A. Task force. 12 Q. What's a task force? 13 A. Where we -- if another Four Seasons 14 needs help and employees from other Four 15 Seasons are available they have the option of 16 going there to work. 17 Q. You previously testified that you 18 also were on a task force in Philadelphia, is 19 that right? 20 A. Yes. 21 Q. When were you on a task force at 22 Four Seasons Philadelphia? 23 A. I don't remember the dates. 24 Q. Do you recall the year? 25 A. It might have been in '21 or '22.</p>	<p>Page 108</p> <p>1 O. IVEY 2 I think it was '21. It might have been '22. 3 ATTORNEY BRUSTEIN: I apologize, I 4 just want to interrupt. Because earlier 5 in the deposition you had defined Four 6 Seasons but now you're both using it to 7 refer to other Four Seasons. So I just 8 want to -- 9 ATTORNEY LUNDY: Sure. Fair 10 enough. Thanks. 11 ATTORNEY BRUSTEIN: Make sure 12 that -- 13 ATTORNEY LUNDY: The record's 14 clear. I appreciate that, thank you. 15 Q. Ms. Ivey, is it your recollection 16 that you were on task force at Four Seasons 17 Philadelphia in or about 2021 or in a 18 different year? 19 A. It's -- it's -- I think it might 20 have been 2021 or 2022. I think it's 2021, 21 though. 22 Q. Was the last time you spoke to 23 Ms. Brambrut when you were being assigned to 24 the task force for Four Seasons downtown? 25 ATTORNEY BRUSTEIN: Objection.</p>

<p>1 O. IVEY 2 A. Yes. 3 Q. Prior to that assignment when was 4 your last conversation with Ms. Brambrut? 5 A. I don't remember. 6 Q. As a manager at the hotel were you 7 responsible for implementing any disciplinary 8 action of any employees from the housekeeping 9 staff in January of 2020? 10 A. Yes, I was in charge of 11 implementing disciplinary action. 12 Q. And what could that entail? 13 A. Any breach of conduct. Any 14 noncompliance to the rules, the regulations, 15 the standards. 16 Q. Were you tasked with the 17 responsibility to hire and fire individuals 18 from the housekeeping staff? 19 A. No. 20 Q. But you were responsible for 21 disciplining members of the housekeeping 22 staff, right? 23 ATTORNEY BRUSTEIN: Objection. 24 A. Yes. 25 Q. In January of 2020 were you</p>	<p>Page 110</p> <p>1 O. IVEY 2 responsible for recommending compensation 3 increases for housekeeping staff? 4 ATTORNEY BRUSTEIN: Objection. 5 A. No. 6 Q. In March of 2020 who was the 7 general manager of the hotel? 8 A. Rudy Tauscher. 9 Q. During your employment with Hotel 10 57 Services, LLC have you ever spoken with H. 11 Ty Warner? 12 A. No. 13 Q. Have you ever had any interactions 14 with H. Ty Warner during your employment at 15 the hotel? 16 ATTORNEY BRUSTEIN: Objection. 17 A. I have gone to his room. 18 Q. Have you ever -- 19 A. To do inspections. But personal 20 interaction, no. 21 (Defendants' Exhibit 61, EmPact 22 documents was marked for 23 identification). 24 Q. Ms. Ivey, I am showing you a 25 document that has been marked exhibit 61.</p>
<p>1 O. IVEY 2 There's three pages -- I'm sorry. Four pages. 3 At the top of the first page in the second 4 paragraph it says "I, Olive Ivey-Williams." 5 Is that you? 6 A. Yes. 7 Q. And at the bottom of the page 8 there's a signature. Is that your signature? 9 A. Yes. 10 Q. And turning to the next page it's 11 titled EmPact Summary and Understanding. At 12 the bottom of the page it says "I, Olive 13 Ivey-Williams." Is that your name? 14 A. Yes. 15 Q. And is that your signature at the 16 bottom of the page? 17 A. Yes. 18 Q. And turning to the next page, it's 19 titled EmPact Revisions Acknowledgment Form. 20 At the bottom is WARNERDEF_000100. 21 A. Mm-hmm. 22 Q. It says "Print Name," Olive 23 Rodriguez, is that you? 24 A. It is me. 25 Q. And is that your signature on the</p>	<p>Page 112</p> <p>1 O. IVEY 2 page? 3 A. It is. 4 Q. And it's dated April 18, 2018, is 5 that right? 6 A. Yes. 7 Q. And the next page, Bates-numbered 8 WARNERDEF_000101, also titled EmPact Revisions 9 Acknowledgment Form. 10 It appears to be an identical 11 document as the prior page, is that right? 12 ATTORNEY BRUSTEIN: Objection. 13 Outside of the Bates number? 14 ATTORNEY LUNDY: WARNERDEF_000100 15 and WARNERDEF_000101. 16 A. Yes. 17 Q. Is your signature on both of those 18 pages? 19 A. Yes. 20 Q. And they appear to be duplicates, 21 is that right? 22 A. It does. 23 Q. Okay. Thank you. 24 ATTORNEY BRUSTEIN: Are you done 25 with that one?</p>

<p>1 O. IVEY</p> <p>2 ATTORNEY LUNDY: Yes. Thank you.</p> <p>3 I just have another line of questions</p> <p>4 and maybe that would be a good great, at</p> <p>5 that point?</p> <p>6 ATTORNEY BRUSTEIN: Meaning after</p> <p>7 or before?</p> <p>8 ATTORNEY LUNDY: Before.</p> <p>9 ATTORNEY BRUSTEIN: So now?</p> <p>10 ATTORNEY LUNDY: Why don't we break</p> <p>11 after the next set, does that work?</p> <p>12 ATTORNEY BRUSTEIN: Yes. That's</p> <p>13 why I said before or after, so I</p> <p>14 understood what you meant.</p> <p>15 ATTORNEY LUNDY: Yes.</p> <p>16 (Defendants' Exhibit 62, 2019 Form</p> <p>17 W-2 was marked for identification).</p> <p>18 Q. Ms. Ivey, I am showing you a</p> <p>19 document that has been marked exhibit 62.</p> <p>20 Have you seen this document before?</p> <p>21 A. Yes.</p> <p>22 Q. Can you identify it for me, please?</p> <p>23 A. It's my pay stub.</p> <p>24 Q. And when you say pay stub it's</p> <p>25 referred to as a 2019 W-2 --</p>	<p>Page 114</p> <p>1 O. IVEY</p> <p>2 A. W-2.</p> <p>3 Q. – and earnings summary, is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And if you look at the top of the</p> <p>7 page it says employer's name, address and ZIP</p> <p>8 code, do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And it lists Hotel 57 Services,</p> <p>11 LLC. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And is it your understanding that</p> <p>14 Hotel 57 Services, LLC issued your</p> <p>15 compensation while working at the hotel?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. Yes.</p> <p>18 (Defendants' Exhibit 63, 2020 Form</p> <p>19 W-2 was marked for identification).</p> <p>20 Q. Ms. Ivey, I am showing you a</p> <p>21 document that has been marked exhibit 63.</p> <p>22 Have you seen this before, please?</p> <p>23 A. Yes.</p> <p>24 Q. Can you identify it for me, please?</p> <p>25 A. It's my W-2.</p>
<p>1 O. IVEY</p> <p>2 Q. From what year?</p> <p>3 A. 2020.</p> <p>4 Q. And at the top of the page it</p> <p>5 states employer's name address and ZIP code,</p> <p>6 do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And it identifies your employer as</p> <p>9 Hotel 57 Services, LLC, is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Is that your understanding?</p> <p>12 A. Yes.</p> <p>13 Q. Thank you.</p> <p>14 (Defendants' Exhibit 64, 2021 Form</p> <p>15 W-2 was marked for identification).</p> <p>16 Q. Ms. Ivey, I am showing you a</p> <p>17 document that has been marked exhibit 64.</p> <p>18 Have you seen this document before?</p> <p>19 A. Yes.</p> <p>20 Q. Can you identify it for me, please?</p> <p>21 A. W-2, 2021.</p> <p>22 Q. And under Employer's it lists Hotel</p> <p>23 57 Services, LLC, is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And is it your understanding that</p>	<p>Page 116</p> <p>1 O. IVEY</p> <p>2 in 2021 your employer was Hotel 57 Services,</p> <p>3 LLC?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. Yes.</p> <p>6 Q. A little bit further down it</p> <p>7 provides wages, do you see that?</p> <p>8 A. I can't -- okay. I cannot see it</p> <p>9 on this paper.</p> <p>10 Q. If you look to the right of the</p> <p>11 document there's another column, it says</p> <p>12 wages, tips and other compensation. Do you</p> <p>13 see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And do you see that there's</p> <p>16 funds -- strike that.</p> <p>17 And below that wages, tips and</p> <p>18 other compensation it lists an amount of</p> <p>19 money, does it not?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. Yes, it lists -- there are some</p> <p>22 figures there.</p> <p>23 Q. And in 2021 did Hotel 57 Services,</p> <p>24 LLC pay you any wages?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>

<p>1 O. IVEY 2 A. In what year? 3 Q. 2021? 4 A. Yes, according to this. 5 Q. Do you recall what hours you worked 6 in 2021 at Hotel 57 Services, LLC? 7 ATTORNEY BRUSTEIN: Objection. 8 A. My hours varied. I could work from 9 6:30 a.m. until 11 p.m. It could be from 6:30 10 a.m. until 10 p.m. 6:30 to 6. My day varies 11 based on workload. 12 ATTORNEY BRUSTEIN: Can I just have 13 the last question read back? 14 Q. Were you done with your answer? 15 A. No. 16 Q. Okay. Why don't you finish 17 answering the question. 18 A. So my work varied based on my 19 workload, and what it is that I needed to 20 complete on a daily basis. My schedule time 21 would have been 6:30 a.m. to 5 p.m. However, 22 it is not typical to leave in ten hours. We 23 have ten hour days, but we are never able to 24 leave in ten hours. So it varies. 25 Q. And the schedule you were</p>	<p>Page 118</p> <p>1 O. IVEY 2 describing, what year were you working those 3 hours? 4 A. 2018, '19. Every manager worked 5 those managers. Well, most managers worked 6 ten hours -- all managers worked ten hours per 7 day. In my capacity, in housekeeping, I am 8 required to work ten hours per day, but there 9 are longer days based on my workload. 10 Q. Did you work -- 11 ATTORNEY BRUSTEIN: Can we take 12 a -- I don't know if you have a lot more 13 questions? 14 ATTORNEY LUNDY: I have -- 15 ATTORNEY BRUSTEIN: I just know 16 we've been going for over an however, 17 so ... 18 ATTORNEY LUNDY: I would like to 19 finish these line of questions. It 20 won't take too long. 21 Q. Ms. Ivey -- 22 ATTORNEY BRUSTEIN: One second. 23 Just listen to exactly what she's 24 asking. 25 THE WITNESS: Okay.</p>	<p>Page 119</p>
<p>1 O. IVEY 2 Q. Ms. Ivey, do you recall the hours 3 that you worked in 2020 at the hotel? 4 ATTORNEY BRUSTEIN: Objection. 5 A. My hours varied. I can tell you 6 that every day I started 6 -- most days I 7 start at 6:30 a.m. But as far as what time I 8 leave, it varied. 9 Q. Were you paid on a salary or hourly 10 basis? 11 A. Salary. 12 Q. And the individuals that reported 13 into you, that you managed, were they paid on 14 a salary or hourly basis? 15 ATTORNEY BRUSTEIN: Objection. 16 A. Hourly. 17 Q. Do you recall the hours of work for 18 the individuals that reported into you in 19 2020? 20 ATTORNEY BRUSTEIN: Objection. 21 A. I recall their scheduled hours. 22 Q. And what were those? 23 A. It varies. 24 Q. And what about in 2021, do you 25 recall the scheduled hours of work for the</p>	<p>Page 120</p> <p>1 O. IVEY 2 individuals that reported into you? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I recall the scheduled hours for 5 whatever category of workers there were. They 6 were -- 7 ATTORNEY BRUSTEIN: I would like to 8 take a two-minute break. 9 ATTORNEY LUNDY: I mean I would 10 like to finish -- 11 ATTORNEY BRUSTEIN: I know but 12 you're asking questions where it's clear 13 that we've been going for more than an 14 hour. I'm just asking for a two-minute 15 break. 16 ATTORNEY LUNDY: Okay. Take your 17 witness out. That's fine. 18 ATTORNEY BRUSTEIN: Thanks. 19 -- 20 (Recess from 12:29 to 12:36.) 21 -- 22 Q. Ms. Ivey, do you know what other 23 employees of the hotel were paid in 2021? 24 A. Paid what? 25 Q. With respect to your team, the</p>	<p>Page 121</p>

<p>1 O. IVEY 2 housekeeping staff, do you know what members 3 of your housekeeping staff were paid in 2021? 4 ATTORNEY BRUSTEIN: Objection. 5 A. You're talking about wages? 6 Q. Compensation? 7 ATTORNEY BRUSTEIN: Objection. 8 A. Well, there were no wages in 2021, 9 because we were on a pandemic, right? So I 10 don't know of anyone getting -- what they got, 11 if anyone got any money, or paid to do 12 whatever. 13 Q. Are you aware that employees of the 14 hotel continued to work in 2021? 15 ATTORNEY BRUSTEIN: Objection. 16 A. (No response.) 17 ATTORNEY LUNDY: Withdrawn. 18 Q. Ms. Ivey, are you aware that in 19 2021 hotel employees continued to receive 20 wages from the hotel? 21 ATTORNEY BRUSTEIN: Objection. 22 A. I heard that they were getting some 23 form of payment. 24 Q. Do you know who were? 25 A. No.</p>	<p>Page 122</p> <p>1 O. IVEY 2 Q. Are you aware that individuals were 3 working and receiving wages from the hotel in 4 2021? 5 ATTORNEY BRUSTEIN: Objection. 6 A. I heard that security was there, so 7 I'm assuming if there's security there, he 8 would be paid. 9 Q. Are you aware of anyone else? 10 A. We were told in the meeting that 11 engineering would stay there. There would be 12 an engineer there, and security. And 13 Ms. Ortiz. 14 Q. So individuals employed by the 15 hotel continued to receive wages in 2021, 16 right? 17 ATTORNEY BRUSTEIN: Objection. 18 A. I don't know. 19 Q. You just testified that 20 individuals, security and Ms. Ortiz, continued 21 to be at the hotel in 2021, right? 22 ATTORNEY BRUSTEIN: Objection. 23 A. That's what we were told. 24 Q. Right. So do you understand that 25 security and Ms. Ortiz continued to receive</p>
<p>1 O. IVEY 2 wages in 2021 working at the hotel? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I'm assuming if they're working 5 they get wages. 6 Q. And in 2021, we've already reviewed 7 exhibit 64, identifying the compensation that 8 you received from Hotel 57 Services, LLC, did 9 we not? 10 ATTORNEY BRUSTEIN: Objection. 11 A. Yes. 12 (Defendants' Exhibit 65, earnings 13 statement was marked for 14 identification). 15 Q. Ms. Ivey, have you seen this 16 document before? 17 A. Yes. 18 Q. Can you identify it for me, please? 19 A. This is payment for my vacation 20 hours that was owed. 21 Q. This is an earnings statement, is 22 that what the document is labeled as? 23 A. Yes. 24 Q. And below it, it lists Hotel 57 25 Services, LLC, do you see that?</p>	<p>Page 124</p> <p>1 O. IVEY 2 A. Yes. 3 Q. And it's your understanding that 4 Hotel 57 Services, LLC was your employer, is 5 that right? 6 ATTORNEY BRUSTEIN: Objection. 7 ATTORNEY LUNDY: Strike that 8 question, please. 9 Q. It's your understanding that Hotel 10 57 Services, LLC issued this earnings 11 statement? 12 ATTORNEY BRUSTEIN: Objection. 13 A. Yes. 14 Q. And it's your understanding that 15 Hotel 57 Services, LLC paid the sum listed in 16 this earnings statement? 17 ATTORNEY BRUSTEIN: Objection. 18 A. Yes. 19 Q. Under Earnings, if you see it says 20 vacation pay. Is that right? 21 A. Yes. 22 Q. And it lists 24 hours, this period 23 913.38. Do you know what that's referencing? 24 A. It's vacation pay. 25 Q. And at the top of the document it</p>

<p>1 O. IVEY 2 says period beginning: July 16, 2022. Period 3 ending: July 22, 2022. 4 Do you see that? 5 A. I see that. 6 Q. So in July of 2022 you received a 7 payout of vacation in the amount of \$913.38 8 from Hotel 57 Services, LLC, is that right? 9 ATTORNEY BRUSTEIN: Objection. 10 A. That is correct. 11 Q. You previously testified today that 12 you believe that your employment was 13 terminated in 2021? 14 A. Yes. 15 Q. Why would you be paid out vacation 16 in July of 2022 if you were terminated from 17 your employment from Hotel 57 Services, LLC? 18 ATTORNEY BRUSTEIN: Objection. 19 A. This is vacation that was earned 20 prior to us going home from the pandemic, and 21 so this is vacation that was not being accrued 22 after COVID. It was just there. After being 23 home for so long, I needed to be paid out, we 24 were told that we had the option of cashing 25 out the vacation. And then after realizing</p>	<p>Page 126</p> <p>1 O. IVEY 2 that we weren't going back to work and me 3 thinking that okay, I think I'm now 4 terminated, I opted to be paid out. 5 Q. You believed, according to your 6 testimony earlier today, that you were 7 terminated from your employment in 2021, 8 right? 9 A. Mm-hmm. 10 Q. And as you sit here today your 11 testimony is that Hotel 57 Services paid you 12 out more than a year later your vacation pay 13 as a terminated employee? 14 ATTORNEY BRUSTEIN: Objection. 15 A. I don't know why. 16 Q. If you look under Information, it 17 says 401(k) eligible. Do you see that? 18 A. Yes. 19 Q. What do you understand that to 20 mean? 21 ATTORNEY BRUSTEIN: Objection. 22 A. I understand it to mean that it is 23 eligible for 401(k) money to be taken from it. 24 However, if you notice that none was taken. 25 Q. Would an individual who is no</p>
<p>1 O. IVEY 2 longer employed with Hotel 57 Services still 3 be eligible for a 401(k)? 4 ATTORNEY BRUSTEIN: Objection. 5 A. They would not be eligible. 6 However, if I was employed by Hotel 57, or by 7 the Four Seasons midtown and I have earnings 8 that my 401(k) contribution, which was 9 standing, would have been deducted. It 10 wasn't. 11 Q. Your earnings statement identifies 12 that you were eligible for 401(k) in July of 13 2022, is that what this document says? 14 ATTORNEY BRUSTEIN: Objection. 15 A. It does say that. But if you 16 notice that the \$913, no contribution to my 17 401(k) was taken from it. 18 Q. Do you know whether or not any 19 other employees of Hotel 57 Services also 20 received compensation in July of 2022? 21 ATTORNEY BRUSTEIN: Objection. 22 A. I don't know. 23 Q. In July of 2022 were you accruing 24 seniority at the hotel? 25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 128</p> <p>1 O. IVEY 2 A. I couldn't have been accruing 3 seniority when I was terminated. 4 Q. And when do you believe you were 5 terminated? 6 ATTORNEY BRUSTEIN: Objection. 7 A. I think I was terminated, I don't 8 remember what date, but according to the 9 information I received from Principal, it 10 would appear that I was terminated in 2021. 11 Q. Who is Principal? 12 A. Principal is the company that 13 manages the 401(k) plan for the Four Seasons 14 Hotels and Resorts. I received a call from 15 them asking me what choices I would like to 16 make as far as my 401(k) monies, if I wanted 17 to cash it out with penalty or I had the 18 option of removing it and rolling it over into 19 another employer's plan, because I was no 20 longer employed by the Four Seasons. I asked 21 them how -- where did they get that 22 information from. And they said they were 23 informed by Four Seasons that I'm no longer an 24 employee there and therefore I would have the 25 option of moving my plan.</p>

<p>1 O. IVEY 2 Q. Is Principal your employer? 3 ATTORNEY BRUSTEIN: Objection. 4 A. No. 5 Q. Was Principal ever your employer? 6 A. No. However, upon getting that 7 information from Principal, I did reach out to 8 Elizabeth Ortiz to advise her of what 9 transpired, the conversation I had with 10 Principal. And her response to me was that 11 they should not have told me that. And she 12 would take care of it. 13 I, um -- 14 Q. Do you know who employs -- 15 ATTORNEY BRUSTEIN: Wait. I'm 16 sorry. She was still in the middle of 17 speaking. I just ask that she be able 18 to complete the answer. 19 Q. I didn't mean to interrupt. 20 A. She said she would take care of it. 21 And so I gave her some time. I told her -- 22 she never got back to me. And I called. I 23 didn't get her on the phone. I never heard 24 anything from her after that. 25 Q. Hotel 57 Services, LLC issued the</p>	Page 130	Page 131
<p>1 O. IVEY 2 A. Yes. I have the option of it 3 remaining there. However, I cannot contribute 4 to it. 5 (Defendants' Exhibit 66, 6 WARNERDEF_00651 through WARNERDEF_00653 7 was marked for identification). 8 Q. Ms. Ivey, I have shown you a 9 document that has been marked exhibit 66. At 10 the top it says Olive Rodriguez. And if you 11 turn the page, it appears to be three separate 12 pages, Bates-numbered WARNERDEF_00651. The 13 second page is WARNERDEF_00652. And 14 WARNERDEF_00653. 15 Do you recognize this document? 16 A. Yes. 17 Q. Can you identify it for me, please? 18 A. This is a message to Elizabeth 19 Ortiz about the communication that I received 20 from Principal, and what they told me. 21 Q. Let's look at that. The first 22 page, it says from Olive Rodriguez. 23 A. Mm-hmm. 24 Q. Hi Liz. I was informed by 25 Principal that my status with the Four Seasons</p>	Page 132	Page 133

<p>1 O. IVEY 2 with them in 2022. 3 As far as when, dates, I don't 4 remember. 5 Q. You previously testified today that 6 you came to the conclusion that your 7 employment was terminated from the hotel 8 because of your correspondence with Principal, 9 right? 10 A. It wasn't just because of my 11 correspondence with Principal. When we had 12 the meeting, the last meeting on the Zoom with 13 representatives from the Four Seasons, I left 14 that meeting thinking that I wasn't going back 15 to work. 16 Q. When you say meeting with 17 representatives, are you referring to the town 18 hall meeting on -- 19 A. Yes. 20 Q. -- June 25, 2021? 21 A. Yes. 22 ATTORNEY BRUSTEIN: Just wait for 23 her to finish the question. 24 THE WITNESS: Thank you. 25 Q. We've just reviewed documents</p>	<p>Page 134</p> <p>1 O. IVEY 2 marked exhibit 65 from July of 2022 3 identifying the payout of vacation pay to you 4 from Hotel 57 Services, LLC, did we not? 5 A. Yes. 6 Q. All right. And we're reviewing 7 exhibit 66, concerning your correspondence 8 with Ms. Ortiz regarding your 401(k), is that 9 right? 10 ATTORNEY BRUSTEIN: Objection. 11 A. Yes. 12 Q. And is it your testimony that you 13 don't recall what year this text exchange 14 occurred? 15 A. I don't remember what year, no. 16 Q. Ms. Ivey, looking at our calendar, 17 it appears that May 17, 2022 was a Tuesday. 18 Does that refresh your recollection of whether 19 or not this text message was sent in 2022? 20 ATTORNEY BRUSTEIN: Objection. I 21 just want to correct the record. We're 22 not looking at a calendar. 23 ATTORNEY BOLAND: We are. 24 ATTORNEY BRUSTEIN: Well, thank 25 you. Ms. Lundy -- now that you're on</p>
<p>1 O. IVEY 2 the record, that's helpful. But 3 Ms. Lundy, if you would like to share a 4 calendar, that's fine. Otherwise you're 5 just looking at a calendar by yourself. 6 Q. Ms. Ivey, does Tuesday -- 7 withdrawn. 8 Ms. Ivey, does it refresh your 9 recollection that on May 17 in 2022 it was a 10 Tuesday? 11 ATTORNEY BRUSTEIN: Objection. 12 A. No. 13 Q. All right. Let's move on. Let's 14 just continue the full conversation between 15 you and Ms. Ortiz. It says: Did you get a 16 communication or something? And on the next 17 page, Olive Rodriguez -- which is you, right? 18 A. Mm-hmm. 19 Q. You respond, I was called to make a 20 decision on my 401(k). And the response is 21 "That's odd. What decision?" 22 And Olive Rodriguez, which is you, 23 right? 24 ATTORNEY BRUSTEIN: Objection. 25 Q. Is that you?</p>	<p>Page 136</p> <p>1 O. IVEY 2 A. Yes. 3 Q. You respond, they said my status 4 with the company has changed, so I have 5 options with my 401(k). I now have the option 6 to roll over to a new company, cash out or 7 place it in a Roth IRA account. 8 And the response was "Very odd." 9 I'll reach out to them. Nothing has changed." 10 Do you see that? 11 A. Yes, I see that. 12 Q. And you previously testified that 13 your 401(k) continues to remain with Four 14 Seasons, right? 15 A. It does. 16 Q. Okay. Let's turn to the last page. 17 In the middle of the page you said: "They 18 said they also sent me a letter in writing and 19 the response was OK, I'll look into it. There 20 has been no change to your status." 21 Do you see that? 22 ATTORNEY BRUSTEIN: Objection. I 23 just want to be clear for the record. 24 You said you were going to read the 25 entire thing, so that there was a</p>

<p>1 O. IVEY 2 complete record? 3 ATTORNEY LUNDY: Sure. I was just 4 trying to be thoughtful of the time. I 5 can read the whole exchange. Let's go 6 back. 7 Q. So on the second page Olive 8 Rodriguez, which is you, right? 9 A. Yes. 10 Q. You say: They said my status with 11 the company has changed so I have options with 12 my 401(k). I now have the option to roll over 13 to a new company, cash out or place it in a 14 Roth IRA. 15 The response is "Very odd. I'll 16 reach out to them. Nothing has changed." 17 Let's turn to the third page to get 18 the full text. 19 A. Mm-hmm. 20 Q. Anyway you can leave money with the 21 provider indefinitely. Did you get something 22 in the mail? I don't think they would have 23 called to tell you that. Olive Rodriguez 24 responds -- which is you, right? 25 A. Yes.</p>	Page 138	Page 139
<p>1 O. IVEY 2 A. If the hotel opened tomorrow would 3 they rehire me, would be my first thought. 4 Q. Whether they rehired -- 5 A. It would not be a recall -- 6 Q. I'm sorry. 7 A. -- it would be a rehire. 8 Q. Let me ask the question, Ms. Ivey. 9 A. Okay. 10 Q. Whether you want to characterize it 11 as a recall or a rehire, if the hotel was to 12 open tomorrow would you like to return to 13 employment? 14 ATTORNEY BRUSTEIN: Objection. 15 A. That is a -- that is a question 16 that I would have to think about. 17 Q. So is it -- 18 A. Allow me to -- that is a question I 19 would have to think about. I've been with 20 that company for 25 years. And it is my 21 honest -- honest opinion that the way I am 22 treated by this company during this pandemic, 23 during this time, it's very painful. I 24 committed -- I was a loyal, committed, 25 dedicated employee to this organization. And</p>	Page 140	Page 141
<p>1 O. IVEY 2 Q. -- they said they also sent me a 3 letter in writing. And the response was OK. 4 I'll look into it. There has been no change 5 to your status. 6 Is that what it says? 7 A. Yes. 8 Q. And you've testified that your 9 401(k) remains with Four Seasons, is that 10 right? 11 ATTORNEY BRUSTEIN: Objection. 12 A. My 401(k) remains with Four 13 Seasons. However, I still have the option to 14 remove it if I want to. And I also have the 15 option of letting it remain. However, I 16 cannot make any contributions to it. 17 Q. You made the election, as you sit 18 here today, to continue to have your 401(k) 19 remain with Four Seasons, is that right? 20 ATTORNEY BRUSTEIN: Objection. 21 A. Until I'm able to work at another 22 job. 23 Q. If the hotel opened tomorrow would 24 you like to work at the hotel in midtown? 25 ATTORNEY BRUSTEIN: Objection.</p> <p>1 O. IVEY 2 if a business decision was made to send us 3 home and it was done in a dignified manner, 4 the -- the motto of the Four Seasons Hotel is 5 to treat others as you would like to be 6 treated. This is what we were taught for 25 7 years. Some people for more. Some people for 8 less. And I would have to really think long 9 and hard based on how I know I have been 10 treated. 11 We as a people that work in that 12 building at 57th Street was treated -- or are 13 being treated very poorly. So yes, it's 14 something that I would really have to think 15 about. Did I love that organization? Did I 16 love working there? Absolutely. 17 Q. Do you know whether any other 18 employees of Hotel 57 Services would have to 19 think really hard about returning to work if 20 it reopened tomorrow -- 21 A. I cannot -- 22 ATTORNEY BRUSTEIN: Objection. 23 ATTORNEY LUNDY: Let me finish my 24 question. 25 Q. -- or would they accept the</p>		

<p>1 O. IVEY 2 opportunity without having to think about it 3 long and hard?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. I cannot speak for anyone else. As 6 it pertains to that aspect of working, I 7 cannot speak for them.</p> <p>8 Q. So you don't know?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. I don't know.</p> <p>11 ATTORNEY LUNDY: I have one last 12 quick question, and then we can break. 13 (Defendants' Exhibit 67, 14 WARNERDEF_000150 was marked for 15 identification).</p> <p>16 Q. Ms. Ivey, I am showing you a 17 document that has been marked exhibit 67 with 18 Bates numbers WARNERDEF_000150. 19 Have you seen this exchange before?</p> <p>20 A. Yes.</p> <p>21 Q. Can you identify it for me, please?</p> <p>22 A. I think this is some form of 23 correspondence asking for, um, I was trying to 24 apply for, to get my vacation time paid out, 25 and I wasn't able to access.</p>	<p>Page 142</p> <p>1 O. IVEY 2 Q. It says Tuesday, May 10. Do you 3 recall what year that is?</p> <p>4 A. I don't remember: I don't remember 5 when it was. It says May 10, but I am very, 6 very bad with dates. So ...</p> <p>7 Q. Does it refresh your recollection 8 that in 2022, May 10 fell on a Tuesday?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. No.</p> <p>11 ATTORNEY LUNDY: Withdrawn.</p> <p>12 ATTORNEY BOLAND: Oh, wait. It 13 did. Yeah.</p> <p>14 A. It says Tuesday, May 10, but I 15 don't -- it doesn't jog my memory.</p> <p>16 ATTORNEY BOLAND: Sorry about that.</p> <p>17 Q. Okay. It says: "Hi Sharon." The 18 reference to Sharon, is that Sharon Brambrut 19 who we've been speaking about earlier?</p> <p>20 A. Yes.</p> <p>21 Q. And Sharon Brambrut was one of your 22 supervisors at the hotel?</p> <p>23 A. She's my direct -- she's the 24 director of rooms.</p> <p>25 Q. Did you consider her your</p>
<p>1 O. IVEY 2 supervisor? 3 A. Yes.</p> <p>4 Q. It says: "Hi Sharon! I would like 5 to apply for vacation to be paid weekly but I 6 am unable to access WD. Are you able to 7 assist me with the resetting or applying?" 8 Is that your text message?</p> <p>9 A. Yes.</p> <p>10 Q. What does "WD" mean?</p> <p>11 A. Workday.</p> <p>12 Q. What is Workday?</p> <p>13 A. So Workday is our electronic file.</p> <p>14 It has all our -- this is where we -- how we 15 go about applying for vacation, seeing how 16 much vacation we have accrued, how much we 17 have earned. Anything to do with our worklife 18 would be found there.</p> <p>19 Q. Do you still have access to 20 Workday?</p> <p>21 A. I do not.</p> <p>22 Q. When was the last time you tried to 23 access Workday?</p> <p>24 A. I did try doing this. I don't 25 remember if I was able to. And I don't</p>	<p>Page 144</p> <p>1 O. IVEY 2 remember if I was able to, or if Sharon had 3 done it for me. I really don't remember.</p> <p>4 Q. It says: Hi Olive - how have you 5 been feeling? Elizabeth has to help you with 6 Workday. I have let her know your question 7 about Workday access."</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 Q. Is it possible that Elizabeth -- 10 withdrawn. Is it possible to gain access to 11 Workday by contacting Ms. Ortiz for a reset 12 password of some sort?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. I know that when I am on the 15 property I could go to people & culture and 16 ask for assistance with getting into my file.</p> <p>17 I don't -- for me, this message 18 would be, I don't know if she would have been 19 able to reset it or if she would have been -- 20 I know she would have been able to go in and 21 put the days in for me.</p> <p>22 Q. Since filing this lawsuit have you 23 ever contacted Ms. Ortiz to gain access to 24 your Workday?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>

<p>1 O. IVEY 2 A. I don't remember doing that. As 3 far as I am concerned, I wouldn't -- I 4 wouldn't have done that. Why would I -- why 5 would I contact her to get me into Workday if 6 I'm not working there?</p> <p>7 Q. So your answer is no, you haven't 8 contacted her to gain access to Workday?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. I don't remember doing that, no.</p> <p>11 Q. Do you recall whether or not you 12 gained access to Workday following this 13 correspondence with Sharon?</p> <p>14 A. I don't remember. I think that --</p> <p>15 I don't remember if I put it in or if she put 16 it in for me. I do not remember.</p> <p>17 Q. Okay.</p> <p>18 ATTORNEY LUNDY: You want to take a 19 break? (Lunch recess taken at 1:05 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 146</p> <p>1 O. IVEY 2 AFTERNOON SESSION 3 (1:59 p.m.) 4 --- 5 6 OLIVE IVEY, 7 resumed as a witness, having been 8 previously sworn by a Notary Public, 9 was examined and testified further as 10 follows:</p> <p>11 EXAMINATION BY 12 ATTORNEY LUNDY: 13 Q. Good afternoon, Ms. Ivey. 14 A. Good afternoon. 15 Q. How did you first learn about the 16 COVID-19 pandemic? 17 A. I think it was on TV. 18 Q. Do you recall when that was? 19 A. No. 20 Q. Do you recall what year it was? 21 A. I think it was 2021. 22 Q. Let's refer back to the amended 23 complaint again. I believe it's exhibit 6. 24 Ms. Ivey, you have exhibit 6 in 25 front of you, the first amended complaint?</p>
<p>1 O. IVEY 2 A. Mm-hmm.</p> <p>3 Q. I am just going to refer you to 4 paragraph 3.</p> <p>5 ATTORNEY BRUSTEIN: What page?</p> <p>6 ATTORNEY LUNDY: Page 2, paragraph 7 3.</p> <p>8 Q. It says: Beginning approximately 9 March 20 of 2020 and continuing for 30 days 10 thereafter ... and it's identified as the 11 furlough date ... plaintiffs and other 12 similarly situated employees that were working 13 at the hotel located at 57 East 57th Street 14 New York, New York known as the Four Seasons 15 Hotel New York and/or Four Seasons New York, 16 identified as the Hotel, were placed on 17 furlough for an indefinite period of time. 18 Since that time they have not been brought 19 back to work.</p> <p>20 Does the date March 20, 2020 21 refresh your recollection about when you first 22 learned about the COVID-19 pandemic?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. That would not have been the date 25 we first learned about it. It would have been</p>	<p>Page 148</p> <p>1 O. IVEY 2 the date we were sent home.</p> <p>3 Q. Does paragraph 3 refresh your 4 recollection that you first learned about the 5 COVID-19 pandemic in 2020?</p> <p>6 A. I don't remember when I first heard 7 about it. I know it was all over the news, 8 over TV. So we were watching it unfold in 9 other parts of the country. I don't know when 10 it was first reported in the U.S. But I know 11 that -- I know that we were watching it unfold 12 on TV. I don't know what dates.</p> <p>13 Q. My question, though, was not a 14 specific date, but a particular year.</p> <p>15 Do you recall what year you first 16 learned about the COVID-19 pandemic?</p> <p>17 A. I don't remember what year. Truth 18 be told, I'm very bad with dates. So I 19 don't -- unless I write dates down and make 20 note of it, I don't remember dates.</p> <p>21 Q. When the COVID-19 pandemic first 22 began did it affect your day to day life?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. No, because we were still going 25 about our daily business as usual. We went to</p>

<p>1 O. IVEY 2 work, we were working, we were watching it on 3 TV. But I don't -- nothing was -- we didn't 4 really do anything differently. Because, you 5 know, it was -- it was something that was 6 happening but we didn't see it happening in 7 front of our eyes. It was just like we were 8 watching it happening in another country. 9 Q. Did there come a period of time 10 where the COVID-19 pandemic did affect your 11 day to day life? 12 A. Yes. 13 Q. Do you recall when that was? 14 A. In regard to affecting my day to 15 day life, I think it would have to be after we 16 were sent home and realized that COVID was 17 here, and now things were changing. We were 18 sent home from work, we were -- my routine now 19 has changed. My routine is usually you wake 20 up, you go to work, you work your hours, you 21 come home, you do your whatever needed to be 22 done. The work was a big part of my day. And 23 so not going to work on a daily basis yes, 24 that was a major disruption. 25 Q. Did you personally foresee the</p>	<p>Page 150</p> <p>1 O. IVEY 2 global COVID-19 pandemic before it affected 3 your day to day life? 4 ATTORNEY BRUSTEIN: Objection. 5 A. I think I thought it was going to 6 be bad, based on what I saw happening 7 overseas. So when the day came that I, on 8 March 20, when we were being sent home, and 9 they said we would be back in two weeks, I 10 never thought that we would be back in two 11 weeks. 12 Q. Before you saw the news report on 13 TV about the COVID-19 pandemic, did you 14 personally foresee a global pandemic before it 15 was being reported on the news? 16 ATTORNEY BRUSTEIN: Objection. 17 A. I never thought of that. 18 Q. Is it accurate to say that the 19 COVID-19 pandemic was unexpected? 20 ATTORNEY BRUSTEIN: Objection. 21 A. I don't think it was unexpected in 22 the United States. 23 Q. Why not? 24 A. Because we saw what it was doing 25 outside of the United States. So when it got</p>
<p>1 O. IVEY 2 here, why would we be surprised -- why would 3 we think it was going to be any different from 4 it was in China? We saw it unfold in China, 5 we saw it over a period of time. 6 So for me, once it got here, I 7 thought that, I made preparation, like when -- 8 when I was sent home, I had a freezer and a 9 refrigerator at home. And even though they 10 told me I was going to be home for two weeks, 11 I never believed it. I stocked up on food for 12 my family because of what I saw on TV. 13 Q. Ms. Ivey, you're referring to "we." 14 Who are you referring to as "we"?</p> <p>15 A. When we were sent home?</p> <p>16 Q. Yes.</p> <p>17 A. Or what we were doing at home? We 18 were sent home means -- when I was sent home, 19 when we were all as employees of Four Seasons 20 midtown sent home and what we were making 21 preparation would be my family and I were 22 making preparation at home.</p> <p>23 Q. Were all employees of the hotel 24 sent home?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 152</p> <p>1 O. IVEY 2 A. On the day that we left? On March 3 20? 4 Q. I'm just seeking clarification on 5 what you just said. You said when we were all 6 sent home from the hotel, and I am trying to 7 understand if you believe that all hotel 8 employees were sent home on a particular day 9 as a result of COVID-19?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. I don't know how many people were 12 sent home. I do know that the entire 13 housekeeping department on that day was told 14 to pack all our stuff and we would be leaving. 15 Because the city said that we were closing 16 down.</p> <p>17 Q. But some individuals, some 18 employees of the hotels continued to remain at 19 that property, and continued to work after you 20 were sent home?</p> <p>21 ATTORNEY BRUSTEIN: Objection. Is 22 there a question?</p> <p>23 Q. Is that right?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. Initially I don't -- I don't -- it</p>

<p>1 O. IVEY 2 is my belief that that day when we were sent 3 home on the 20th, that everybody left. I 4 don't know that anyone stayed behind. And of 5 course I wasn't told that. It was just 6 something that I thought. Because everyone 7 had to be out -- to be home because of the 8 mandate from the city. 9 Q. So it's your personal belief that 10 all of the employees of the hotel were sent 11 home on a particular date because of COVID-19, 12 is that right? 13 ATTORNEY BRUSTEIN: Objection. 14 A. In the beginning, yes. 15 Q. And what is the basis of your 16 belief? 17 A. Because I think -- well, it is my 18 belief that the hotel midtown, Four Seasons 19 midtown was acting on what the city said. We 20 got a call -- I got a call stating that we are 21 all going home because the city mandated that 22 we go home and we would be on lockdown for two 23 weeks. So if that was a mandate, I thought 24 that it would have been for me natural -- 25 natural for me to believe that everybody</p>	<p>Page 154</p> <p>1 O. IVEY 2 vacated the premises. 3 Q. No one told you personally that 4 every employee from the hotel were being sent 5 home that day because of the pandemic, right? 6 No one told you that? 7 A. We were told that we are all -- we 8 are closing the hotel as mandated. So if the 9 hotel is closing I'm assuming that no one 10 would be there. 11 Q. My question was did anyone tell you 12 personally that all employees of the hotel 13 were being sent home that day because of the 14 pandemic? 15 ATTORNEY BRUSTEIN: Objection. 16 A. We were told that the hotel was 17 closing and we are all going to be going home 18 because it was mandated by the city. 19 If everyone left that day, I don't 20 know. But that was what we -- I was told. 21 Q. Did someone tell you that all 22 employees were being sent home? 23 ATTORNEY BRUSTEIN: Objection. 24 A. Sharon Brambrut said the hotel was 25 being closed and we are going to leave, we</p>
<p>1 O. IVEY 2 should pack and leave because it was mandated 3 by the city. As far as what decision was 4 taken after, whether people were staying 5 behind or not, I was not privy to that. 6 Q. You don't know specifically who 7 "we" meant when that was being told to you? 8 ATTORNEY BRUSTEIN: Objection. 9 A. Could you please -- 10 Q. You just testified that Sharon 11 Brambrut advised that "we should all go home." 12 A. Mm-hmm. 13 Q. But you don't know who "we" meant 14 when Sharon Brambrut used that term, is that 15 right? 16 A. She said the hotel was closing, the 17 hotel was closing, and as mandated by the city 18 we are all to vacate -- we are going to be on 19 lockdown. Now I am assuming if the city is on 20 lockdown because of a pandemic, that everybody 21 would be on lockdown. Not some people. 22 So ... 23 Q. So it's your personal belief that 24 everyone went home from the hotel? 25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 156</p> <p>1 O. IVEY 2 A. I believe so. 3 Q. You were previously testifying that 4 COVID-19 was not unexpected. My question 5 related to the global pandemic of COVID-19. 6 Do you believe that the global 7 pandemic of COVID-19 was unexpected? 8 ATTORNEY BRUSTEIN: Objection. 9 A. I believe that the global 10 expectation of COVID-19 was -- I believe 11 COVID-19 was unexpected. However, based on 12 what was happening prior to the pandemic 13 entering the United States, we should -- it 14 should not have been an unexpected event at 15 that point. 16 Q. My question, Ms. Ivey, was not 17 about the United States' expectation of the 18 entry of COVID-19 into the United States. My 19 question related to the general understanding 20 of a global pandemic. 21 Was COVID-19 expected by anyone at 22 any time? 23 ATTORNEY BRUSTEIN: Objection. 24 ATTORNEY LUNDY: Withdrawn. 25 Q. Is it fair to say that the COVID-19</p>

<p>1 O. IVEY 2 pandemic was unprecedented? 3 ATTORNEY BRUSTEIN: Objection. 4 A. Yes. 5 Q. Have you ever experienced a global 6 pandemic before COVID-19? 7 A. No. 8 Q. Do you know anyone who is currently 9 alive who has experienced a global pandemic 10 before COVID-19? 11 ATTORNEY BRUSTEIN: Objection. 12 A. No. 13 Q. Did there come a time before you 14 were sent home from work because of the 15 COVID-19 pandemic that hotel business 16 operations were being changed because of the 17 pandemic? 18 ATTORNEY BRUSTEIN: Objection. 19 A. I don't remember. I don't remember 20 when -- I don't remember. 21 Q. Did there come a time a period of 22 time in March 2020 that employees of the hotel 23 were told to no longer shake hands with 24 guests? 25 A. Oh, yes. Yes.</p>	<p>Page 158</p> <p>1 O. IVEY 2 Q. Do you recall when that was? 3 A. I don't remember when it was, but 4 yes, we were using sanitizers, and we were -- 5 yes, we were wearing masks. 6 Q. Those were hard to come by back 7 then, weren't they? 8 ATTORNEY BRUSTEIN: Objection. 9 A. They were. 10 Q. How did you obtain a face mask? 11 ATTORNEY BRUSTEIN: Objection. 12 A. The -- well, we were not -- we were 13 not able to get the, the specialized masks. 14 But we had those surgical masks for myself, I 15 went online and purchased the -- the K-9 is 16 what they called them? Yeah, I went online 17 and purchased a pack for a hundred dollars. 18 Q. Is it fair to say that purchasing 19 face masks were difficult in March of 2020? 20 ATTORNEY BRUSTEIN: Objection. 21 A. Yes. 22 Q. Is it fair to say that they were 23 difficult to purchase -- withdrawn. 24 Is it fair to say that purchasing 25 face masks in March of 2020 was difficult</p>
<p>1 O. IVEY 2 because the COVID-19 pandemic was not 3 expected? 4 ATTORNEY BRUSTEIN: Objection. 5 A. I would say that the face masks 6 were difficult to purchase because of -- yes, 7 because of the COVID-19, but also because we 8 were not prepared. 9 Q. Who is "we"?</p> <p>10 A. The country was not prepared, even 11 though they saw what was happening ahead of it 12 coming here.</p> <p>13 Q. In March 2020 did you know how long 14 the COVID-19 pandemic would last?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I didn't know how long it would 17 last. I did believe it would last for a 18 while.</p> <p>19 Q. What's the basis of that belief?</p> <p>20 A. What I saw unfolding.</p> <p>21 Q. What did you see unfolding?</p> <p>22 A. What was happening in China and 23 other countries prior to it coming here.</p> <p>24 Hence the reason why I made preparations for 25 my family.</p>	<p>Page 160</p> <p>1 O. IVEY 2 Q. Any other reason you believed it 3 would last a long time?</p> <p>4 A. I believe it would have lasted a 5 long time because I didn't think that it was 6 being taken seriously by our president. And 7 so there were other people who just didn't 8 think it was real, even though it was there to 9 see.</p> <p>10 Q. Ms. Ivey, we didn't go through your 11 background. Do you have any degrees in 12 science?</p> <p>13 A. No. However --</p> <p>14 Q. I don't think there's a question 15 pending. Do you have a degree in science?</p> <p>16 A. I am answering the question.</p> <p>17 Q. I think it's a yes or no. Do you 18 have a degree in science?</p> <p>19 A. I do not have a degree in science.</p> <p>20 However, I have a member of my family that 21 lives in my household that is a research 22 scientist, and during the time that the 23 pandemic was going on I did ask her to explain 24 some research papers that she brought up, I 25 asked her to lay down in common terms for me,</p>

<p>1 O. IVEY 2 because so that I could have a clear 3 understanding of what the pandemic was about. 4 And so she printed the papers and she was able 5 to explain to me in simple terms what exactly 6 the virus was about.</p> <p>7 Q. Are you a doctor? 8 ATTORNEY BRUSTEIN: Objection. 9 A. I am not a doctor.</p> <p>10 Q. In April of 2020 did you know how 11 long the COVID-19 pandemic would last? 12 ATTORNEY BRUSTEIN: Objection. 13 A. I did not know how long it would 14 last.</p> <p>15 Q. In May 2020 did you know how long 16 the COVID-19 pandemic would last? 17 ATTORNEY BRUSTEIN: Objection. 18 A. The pandemic was -- in May of 2020 19 I did not know how long it would last. 20 However, I didn't think that it was going to 21 be over any time soon.</p> <p>22 Q. What was the basis of that belief? 23 A. Again, because of what I saw 24 happening around me.</p> <p>25 Q. Do you have a degree in science?</p>	<p>Page 162</p> <p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. You 3 asked that already. I mean I think it's 4 really inappropriate to ask her about 5 degrees you know she doesn't have. Can 6 we please move on?</p> <p>7 ATTORNEY LUNDY: I have a question 8 pending.</p> <p>9 A. I do not have a degree in science.</p> <p>10 However, my common sense told me that based on 11 what was evident in front of my eyes, what was 12 happening, that it was not something that was 13 just going to be over overnight.</p> <p>14 Q. You used the word "any time soon." 15 What do you mean by "any time 16 soon"?</p> <p>17 A. It was not going to be two weeks or 18 a month.</p> <p>19 Q. What did you believe the length of 20 the COVID-19 pandemic would be?</p> <p>21 A. I didn't have a length for it, but 22 I think that I believed that as long as people 23 were not taking the protocol seriously or 24 doing, playing their part in helping it, to 25 stem it, and the fact that it seemed that if</p>
<p>1 O. IVEY 2 so much was happening elsewhere and what was 3 also starting to happen here, that it would 4 not be something that would end quickly.</p> <p>5 Q. Were restrictions put into place in 6 New York City in March 2020 in response to the 7 COVID-19 pandemic?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I think there were some 10 restrictions, yes.</p> <p>11 Q. What were they?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. I remember we were told to wear 14 masks.</p> <p>15 Q. Anything else?</p> <p>16 A. That is the most -- that is what I 17 remember the most.</p> <p>18 Q. Do you recall the state issuing 19 stay at home orders as a result of the 20 COVID-19 pandemic?</p> <p>21 A. Yes. I don't remember when it 22 happened, but I know they did issue the order 23 to stay home.</p> <p>24 Q. And did you comply with that order 25 to stay at home?</p>	<p>Page 164</p> <p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection.</p> <p>3 A. Yes, we -- I did comply. I went 4 out when it was necessary.</p> <p>5 Q. Do you know how long the stay at 6 home orders were in place in New York City?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you know how long the stay at 9 home orders were in place in the state?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you recall how long the initial 12 stay at home order was put into place?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. No.</p> <p>15 Q. Do you know whether the stay at 16 home orders were extended for varying periods 17 of time?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. I don't remember how that went. I 20 know there were orders, but as far as were 21 the -- I don't remember how that went. I know 22 there were orders in place, though.</p> <p>23 Q. Do you recall the phrase 24 "flattening the curve"?</p> <p>25 A. Yes.</p>

<p>1 O. IVEY</p> <p>2 Q. What is your recollection of that</p> <p>3 phrase, "flattening the curve"?</p> <p>4 A. So from my recollection, I think on</p> <p>5 a daily basis there were reports, they would</p> <p>6 have numbers of -- of people that were</p> <p>7 contracting or that were affected by the --</p> <p>8 contracting the virus or dying from the virus.</p> <p>9 And so there was, I saw it on TV, like a</p> <p>10 graph, a curve of what was happening on a</p> <p>11 daily basis. And flattening the curve was</p> <p>12 basically at what point it started going down,</p> <p>13 and leveling off.</p> <p>14 Q. So there was a hope, by this</p> <p>15 concept of flattening the curve, that there</p> <p>16 would be a point where the curve would flatten</p> <p>17 and the COVID-19 pandemic would not be</p> <p>18 impacting our day to day life, is that right?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Well, I'm sure there was a hope.</p> <p>21 Q. Right. But that was the concept,</p> <p>22 for flattening the curve, right?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. I assume so, yes.</p> <p>25 Q. Did there come a time when the</p>	<p>Page 166</p> <p>1 O. IVEY</p> <p>2 hotel stopped accepting guests as a result of</p> <p>3 the COVID-19 pandemic?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall when that was?</p> <p>6 A. I don't remember the date.</p> <p>7 Q. Do you recall how you learned about</p> <p>8 that cessation of operation?</p> <p>9 A. I don't remember.</p> <p>10 Q. When this change in hotel operation</p> <p>11 was announced what was your expectation about</p> <p>12 the length of this temporary closure of hotel</p> <p>13 operation?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. I thought that I was going to be</p> <p>16 sent home, which I was, eventually, even</p> <p>17 before it happened, I -- I did believe that</p> <p>18 there would come a time when we would be</p> <p>19 sent -- when the staff would be sent home,</p> <p>20 including myself.</p> <p>21 Based on what I was seeing on -- in</p> <p>22 the media, I did not have any idea how it</p> <p>23 would play out and therefore I didn't have any</p> <p>24 idea of how long it would be.</p> <p>25 Q. Did you have a hope that the</p>
<p>1 O. IVEY</p> <p>2 closure would only be two weeks?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I had a hope that it would be two</p> <p>5 weeks, but I knew it wasn't going to be.</p> <p>6 Q. Is it accurate that there was</p> <p>7 uncertainty about how long the COVID-19</p> <p>8 pandemic would last?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. I'm sorry. Could you please repeat</p> <p>11 your question? Sorry.</p> <p>12 Q. Is it accurate that there was</p> <p>13 uncertainty about how long the pandemic would</p> <p>14 last?</p> <p>15 A. Yes. I think there was uncertainty</p> <p>16 about how long the pandemic would last.</p> <p>17 Q. In March 2020 do you recall the</p> <p>18 number of hours a week you were working?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. My scheduled hours per week would</p> <p>21 be 50. Ten hours per day five days per week.</p> <p>22 That is normal. There are days when it would</p> <p>23 be over that amount. But it would be a</p> <p>24 minimum of 50 hours.</p> <p>25 Q. Did there come a period of time</p>	<p>Page 168</p> <p>1 O. IVEY</p> <p>2 when the hotel was converted to a temporary</p> <p>3 housing for COVID-19 first responders?</p> <p>4 A. I heard that on the news, yes.</p> <p>5 Q. When you learned about the hotel's</p> <p>6 conversion to a temporary housing for first</p> <p>7 responders, did you speak to anyone at the</p> <p>8 hotel about that?</p> <p>9 A. I don't remember if I spoke with</p> <p>10 anyone about that. I am sure it was -- I</p> <p>11 don't remember.</p> <p>12 Q. Did you work at the hotel when it</p> <p>13 was being operated as a temporary housing for</p> <p>14 first responders during the COVID-19?</p> <p>15 A. No, I did not.</p> <p>16 Q. Do you know whether any members of</p> <p>17 the housekeeping staff did report to work when</p> <p>18 the hotel was being operated as a temporary</p> <p>19 housing for first responders?</p> <p>20 A. I don't know. I am assuming that</p> <p>21 there would have been someone there.</p> <p>22 Q. Do you know whether other employees</p> <p>23 of the hotel were working at the property when</p> <p>24 it was operating as a temporary housing</p> <p>25 facility for first responders?</p>

<p>1 O. IVEY</p> <p>2 A. I am assuming that if the hotel is</p> <p>3 open to first responders, there must be staff</p> <p>4 there. Who was there, I don't know. But I am</p> <p>5 sure there was staff there. Because they</p> <p>6 would not have had first responders there by</p> <p>7 themselves.</p> <p>8 Q. Were you asked to come back to work</p> <p>9 during the time period that the hotel was</p> <p>10 operating as a temporary housing facility for</p> <p>11 first responders?</p> <p>12 A. I was given the option to do so.</p> <p>13 However, I declined, because at the time I</p> <p>14 had – I have a disabled son, and, um, I also</p> <p>15 had an infant in my home, he was born -- he</p> <p>16 was born during COVID. So ...</p> <p>17 Q. Do you know --</p> <p>18 A. Out of an abundance of caution, I</p> <p>19 had to decline.</p> <p>20 Q. Do you know whether other employees</p> <p>21 of the hotel were asked to return to work</p> <p>22 during the operation of the temporary housing</p> <p>23 for first responders?</p> <p>24 A. I don't know.</p> <p>25 Q. Did you speak to any of your</p>	<p>Page 170</p> <p>1 O. IVEY</p> <p>2 housekeeping staff about the opportunity to</p> <p>3 return to work during the hotel's operation as</p> <p>4 a temporary housing facility for first</p> <p>5 responders?</p> <p>6 A. No.</p> <p>7 Q. How many hours of work did you</p> <p>8 perform in April of 2020 for the hotel?</p> <p>9 A. No, I don't know how many hours.</p> <p>10 Like I said, my hours varies. So -- and I am</p> <p>11 salaried. So I'm never one to keep track of</p> <p>12 hours.</p> <p>13 Q. Do you know how many hours a week</p> <p>14 non-union employees were working at the hotel</p> <p>15 in April 2020?</p> <p>16 A. If there was anyone there, I don't</p> <p>17 know. And I don't know how many hours if they</p> <p>18 were working, how many hours they would have</p> <p>19 been working. I don't know.</p> <p>20 Q. You already testified that when the</p> <p>21 hotel was operating as a temporary housing</p> <p>22 facility for first responders, that there were</p> <p>23 employees at the hotel. Did you not?</p> <p>24 A. I said I am assuming that there</p> <p>25 would have been workers at the hotel because</p>
<p>1 O. IVEY</p> <p>2 there's no way that the hotel would be housing</p> <p>3 people and not have workers there.</p> <p>4 Q. And you don't know how many hours a</p> <p>5 week any of those employees would have been</p> <p>6 working at the hotel during that time?</p> <p>7 A. No. Because I wasn't there.</p> <p>8 Q. Was there a period of time after</p> <p>9 March 2020 that you were working at the hotel</p> <p>10 by remote means?</p> <p>11 A. If I was -- after March, 2020?</p> <p>12 Q. Yes.</p> <p>13 A. That I was working remotely?</p> <p>14 Q. Yes.</p> <p>15 A. No.</p> <p>16 Q. After March 2020 were you</p> <p>17 responsible for coordinating any schedules for</p> <p>18 the housekeeping staff during that time</p> <p>19 period?</p> <p>20 A. No.</p> <p>21 Q. Let's look at exhibit 33, please.</p> <p>22 (Defendants' Exhibit 33, Staley</p> <p>23 v FSR 0204 to 0207 was previously marked</p> <p>24 for identification.)</p> <p>25 Q. Ms. Ivey, I've shown you a document</p>	<p>Page 172</p> <p>1 O. IVEY</p> <p>2 that's been marked exhibit 33 with Bates</p> <p>3 number Staley v FSR 0204 --</p> <p>4 ATTORNEY BRUSTEIN: Objection. It</p> <p>5 says WARNERDEF --</p> <p>6 (Discussion off the record.)</p> <p>7 Q. Ms. Ivey, before we turn to exhibit</p> <p>8 33. How many times during COVID-19 were you</p> <p>9 given the opportunity to report back to the</p> <p>10 hotel but declined?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. I don't remember. I know that I</p> <p>13 was told that they were going to be housing</p> <p>14 medical personnel, and I was given, initially</p> <p>15 given the option to work. But I explained to</p> <p>16 them why I would -- they said it was an option</p> <p>17 for me. And I declined at that point due to</p> <p>18 my concerns for my family.</p> <p>19 After that initial time I don't</p> <p>20 remember ever being asked, except I was asked</p> <p>21 to go to Philadelphia at some point, after the</p> <p>22 reopening.</p> <p>23 Q. Are you referring to Four Seasons</p> <p>24 Philadelphia?</p> <p>25 A. Yes.</p>

<p>1 O. IVEY</p> <p>2 Q. Do you know whether any other</p> <p>3 employees from the hotel were also asked to</p> <p>4 return to work but declined to do so?</p> <p>5 A. I don't know.</p> <p>6 Q. Let's turn to exhibit 33, please.</p> <p>7 It's Bates-numbered Staley v FSR 204 through</p> <p>8 Staley v. FSR 207. And it's dated April 9,</p> <p>9 2020.</p> <p>10 Ms. Ivey, have you seen this</p> <p>11 document before?</p> <p>12 A. Yes.</p> <p>13 Q. Can you identify it for me, please?</p> <p>14 A. I think it was a letter that was</p> <p>15 sent out to us after we went home, on</p> <p>16 informing us how to go about filing for</p> <p>17 unemployment.</p> <p>18 Q. Looking at the paragraph starting</p> <p>19 with hotel operations. It says: On March 20,</p> <p>20 2020 in an abundance of caution we made the</p> <p>21 difficult decision to temporarily suspend most</p> <p>22 of the hotel operations. At that time, we had</p> <p>23 communicated that our hope was to return to a</p> <p>24 full hotel operation on April 15, 2020.</p> <p>25 Was it also your hope on April 9,</p>	<p>Page 174</p> <p>1 O. IVEY</p> <p>2 2020 that the hotel would return to regular</p> <p>3 operations beginning on April 15, 2020?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. It was my hope. But I didn't</p> <p>6 believe that it would happen.</p> <p>7 Q. In the third paragraph, in the same</p> <p>8 section it says: Since then, the COVID-19</p> <p>9 pandemic has continued to impact our business</p> <p>10 and the hospitality industry.</p> <p>11 Do you believe it's accurate that</p> <p>12 the pandemic impacted the hospitality industry</p> <p>13 as a whole?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. Yes.</p> <p>16 Q. Is it fair to say that the COVID-19</p> <p>17 pandemic impacted the business operations of</p> <p>18 other industries, too?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Yes.</p> <p>21 Q. And in the same paragraph it reads:</p> <p>22 The federal government has extended social</p> <p>23 distancing guidelines through April 30, 2020</p> <p>24 and New York Governor Andrew Cuomo extended</p> <p>25 the statewide stay at home order until April</p>
<p>1 O. IVEY</p> <p>2 29, 2020.</p> <p>3 Does this refresh your recollection</p> <p>4 that the stay at home orders were extended at</p> <p>5 varying times?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. I suppose so.</p> <p>8 Q. On the next page beginning at</p> <p>9 Staley v. FSR 0205 it outlines unemployment.</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Did you file for unemployment?</p> <p>12 A. I did.</p> <p>13 Q. Do you recall when you filed for</p> <p>14 unemployment?</p> <p>15 A. I don't remember, but I'm sure the</p> <p>16 documentation is somewhere there, that shows.</p> <p>17 Q. Did you search your records to</p> <p>18 identify and collect any of those documents</p> <p>19 pertaining to your application for</p> <p>20 unemployment?</p> <p>21 A. Yes, I went on the unemployment</p> <p>22 website, I printed it out.</p> <p>23 Q. In connection with this lawsuit?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. We can move on.</p>	<p>Page 176</p> <p>1 O. IVEY</p> <p>2 Do you recall the last day you were</p> <p>3 physically present at the hotel?</p> <p>4 A. I don't remember which day it was.</p> <p>5 No, I don't remember which date.</p> <p>6 Q. Since March 20, 2020 how often has</p> <p>7 the hotel been in communication with you</p> <p>8 regarding your employment status and the</p> <p>9 hotel's operation?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. I don't remember how often. I know</p> <p>12 that in the beginning they used to have these</p> <p>13 meetings on teams or -- it would be remote</p> <p>14 meetings.</p> <p>15 ATTORNEY LUNDY: Let's look at</p> <p>16 exhibit 34.</p> <p>17 (Defendants' Exhibit 34, Staley</p> <p>18 v FSR 0054 was previously marked for</p> <p>19 identification.)</p> <p>20 Q. Ms. Ivey, I have shown you a</p> <p>21 document that's been previously marked exhibit</p> <p>22 34 bearing Bates number Staley v FSR 0054</p> <p>23 dated April 30, 2020.</p> <p>24 Do you recognize this document?</p> <p>25 A. Yes.</p>

<p>1 O. IVEY</p> <p>2 Q. Do you recall receiving this</p> <p>3 document?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall how you received this</p> <p>6 document?</p> <p>7 A. I am sure it was by email.</p> <p>8 Q. Do you recall what email this</p> <p>9 document would have been sent to you?</p> <p>10 A. My personal email.</p> <p>11 Q. And what's the basis of that</p> <p>12 belief?</p> <p>13 A. Because that's where I search for</p> <p>14 all of my documents that I handed over.</p> <p>15 Q. In the first paragraph, the letter</p> <p>16 reads: It is hard to believe that it's been</p> <p>17 more than a month since we made the difficult</p> <p>18 decision to temporarily suspend hotel</p> <p>19 operations and then, shortly thereafter,</p> <p>20 reopen to provide housing for the health care</p> <p>21 professionals working on the front lines.</p> <p>22 Do you recall reading this?</p> <p>23 A. Yes.</p> <p>24 Q. How did you feel about the hotel's</p> <p>25 decision to provide housing for health care</p>	Page 178	Page 179
	Page 180	Page 181

<p>1 O. IVEY</p> <p>2 You know what? Let's go to 35. Sorry.</p> <p>3 (Defendants' Exhibit 35, Staley</p> <p>4 v FSR 0086 to 87 was previously marked</p> <p>5 for identification.)</p> <p>6 Q. Ms. Ivey, I've shown you a document</p> <p>7 marked exhibit 35. It's Bates-numbered Staley</p> <p>8 v FSR 0086 through Staley v FSR 0087. Do you</p> <p>9 see this before?</p> <p>10 A. I don't know if I've seen it</p> <p>11 before. It looks like a newsletter, we would</p> <p>12 normally get. So I'm not sure if -- I'm not</p> <p>13 sure if I've seen it before.</p> <p>14 Q. You're not sure if you've seen this</p> <p>15 particular document before?</p> <p>16 A. This particular one, yes.</p> <p>17 Q. But you just testified that you</p> <p>18 received newsletters from the hotel before, is</p> <p>19 that correct?</p> <p>20 A. Yeah.</p> <p>21 Q. Something similar in format to what</p> <p>22 we're looking at in exhibit 35?</p> <p>23 A. Yeah. I'm sure I've received</p> <p>24 something like this. I don't know if this is</p> <p>25 the exact one, but ...</p>	Page 182	Page 183
	Page 184	Page 185
		<p>1 O. IVEY</p> <p>2 identifying anniversaries, is it your</p> <p>3 understanding that Winnie Chan was celebrating</p> <p>4 her 15 years of employment at Hotel 57</p> <p>5 Services on May 16 of 2020?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. That is what it -- yes.</p> <p>8 Q. Okay. We can move on.</p> <p>9 (Defendants' Exhibit 36, Staley</p> <p>10 v FSR 0055 was previously marked for</p> <p>11 identification.)</p> <p>12 Q. Ms. Ivey, you can put that aside.</p> <p>13 I am going to show you a document marked</p> <p>14 exhibit 36, please. Ms. Ivey, I've shown you</p> <p>15 a document previously marked exhibit 36</p> <p>16 bearing Bates number Staley v FSR 0055 dated</p> <p>17 May 22, 2020.</p> <p>18 Have you seen this before?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall when you have seen it</p> <p>21 before?</p> <p>22 A. I don't recall.</p> <p>23 Q. Do you recall how you received</p> <p>24 this?</p> <p>25 A. Email.</p>

<p>1 O. IVEY</p> <p>2 Q. Do you recall to what account?</p> <p>3 A. It would have been to</p> <p>4 olivemive@gmail.com.</p> <p>5 Q. But you don't know if it was also</p> <p>6 sent to another account, too, is that right?</p> <p>7 A. No, because I didn't have access.</p> <p>8 Q. Did you check it?</p> <p>9 A. Well, I was not able to check it</p> <p>10 after I no longer had access to my cell</p> <p>11 phone -- to the company's phone.</p> <p>12 Q. It reads on the third paragraph:</p> <p>13 In addition to that extension, the social</p> <p>14 distancing guidelines and the stay at home</p> <p>15 order is still in place, therefore it is</p> <p>16 necessary to extend the suspension of regular</p> <p>17 hotel operations until July 15, 2020.</p> <p>18 Were you surprised that the hotel</p> <p>19 extended the suspension of its regular hotel</p> <p>20 operations through July 15, 2020 on May 22,</p> <p>21 2020?</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. I don't know what I felt at the</p> <p>24 time. I really don't know what I -- I don't</p> <p>25 remember what I felt at the time. I -- I</p>	<p>Page 186</p> <p>1 O. IVEY</p> <p>2 cannot tell what was happening. I do know</p> <p>3 that if an extension came during the time of</p> <p>4 the pandemic, that it was, I'm sure it wasn't</p> <p>5 a surprise for me. Because I could see what</p> <p>6 was happening. Right? We hear it every day</p> <p>7 on the news. So if things are not -- are not</p> <p>8 changing in the right direction, and it</p> <p>9 extended, then it would be no surprise to me.</p> <p>10 Q. What do you mean by during the time</p> <p>11 of the pandemic?</p> <p>12 A. I mean during the times when the</p> <p>13 numbers were high, the infection rate, the</p> <p>14 death rate was being reported as being high,</p> <p>15 and the city still had orders in place. If</p> <p>16 things came at that time, it wouldn't be a</p> <p>17 surprise for me.</p> <p>18 Q. And was that before or after the</p> <p>19 COVID-19 vaccine became available?</p> <p>20 A. I don't remember.</p> <p>21 Q. When you received the May 22, 2020</p> <p>22 letter did you understand your layoff from</p> <p>23 Hotel 57 Services was only temporary at that</p> <p>24 time?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>
<p>1 O. IVEY</p> <p>2 A. At this time I was still thinking</p> <p>3 that it was temporary.</p> <p>4 (Defendants' Exhibit 37, Staley</p> <p>5 v FSR 0056 was previously marked for</p> <p>6 identification.)</p> <p>7 Q. You can put that aside. We are</p> <p>8 going to look at exhibit 37, please.</p> <p>9 Ms. Ivey, we're looking at a</p> <p>10 document previously marked exhibit 37 bearing</p> <p>11 Bates number Staley v FSR 0056 dated June 22,</p> <p>12 2020.</p> <p>13 Have you seen this document before?</p> <p>14 (The witness reviews document.)</p> <p>15 A. I think I have seen this document</p> <p>16 before.</p> <p>17 Q. Do you recall when you saw this</p> <p>18 document before?</p> <p>19 A. I don't remember dates, but the</p> <p>20 document looks familiar.</p> <p>21 Q. I am going to refer you to the</p> <p>22 third paragraph. The first sentence reads:</p> <p>23 "Upon departure of the health care</p> <p>24 professionals, we will temporarily be</p> <p>25 suspending most of our hotel operations."</p>	<p>Page 188</p> <p>1 O. IVEY</p> <p>2 In June 22, 2020 did you understand</p> <p>3 that the hotel was suspending its operations</p> <p>4 for temporary housing for first responders?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. In June? What was the date?</p> <p>7 Q. Let me re-ask the question. Do you</p> <p>8 understand that the hotel ceased its temporary</p> <p>9 housing of first responders in June of 2020?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. Well, based on the letter that we</p> <p>12 got, the letter did say that they were doing</p> <p>13 that. So ...</p> <p>14 Q. Did you learn about the decision to</p> <p>15 cease providing temporary housing to first</p> <p>16 responders by letter correspondence or by</p> <p>17 other means from the hotel?</p> <p>18 A. I think it was by letter. I mean</p> <p>19 email letter.</p> <p>20 Q. The letter says: We will</p> <p>21 temporarily be suspending most of our hotel</p> <p>22 operations.</p> <p>23 Do you understand what the term</p> <p>24 "most of our hotel operations" means?</p> <p>25 A. That they were -- I'm not -- I'm</p>

<p>1 O. IVEY 2 not sure I understood what they were saying 3 here. Because most of the hotel operations, 4 wouldn't that mean that they were still -- I 5 mean for me, hotel operations is accepting 6 guests. Right? When they say they're 7 suspending most of it, I'm not sure what that 8 meant. I mean, is it -- I'm taking it to mean 9 that they would still be maintaining the 10 building, like the security of the building, 11 or whatever. But it sure didn't mean that 12 they were taking guests.</p> <p>13 Q. The letter goes on to say: "During 14 this time, the hotel will continue to operate 15 with a reduced staffing to maintain the 16 building's safety and security."</p> <p>17 Do you know who was in reduced 18 staffing at the hotel in June of 2020?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. I wouldn't know. I wouldn't know 21 that information, no. Unless I was there. 22 And I wasn't.</p> <p>23 Q. But it's fair to say that in June 24 of 2020 the hotel maintained employees at the 25 hotel, albeit on a reduced staffing level?</p>	<p>Page 190</p> <p>1 O. IVEY 2 A. Well, that's what that says. 3 Q. Okay. 4 (Defendants' Exhibit 68, Internal 5 Memo dated June 25, 2020 to Olive 6 Rodriguez was marked for 7 identification).</p> <p>8 Q. Ms. Ivey, I have shown you a 9 document marked exhibit 68 titled Internal 10 Memo dated June 25, 2020 to Olive Rodriguez. 11 And the subject line is Benefits Coverage 12 During Furlough.</p> <p>13 Do you recognize this document?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall receiving this 16 document?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall electing continuation 19 of any benefit coverage from the hotel at that 20 time?</p> <p>21 A. I did not elect to continue 22 coverage because I couldn't afford it.</p> <p>23 Q. Do you know whether any employees 24 at the hotel elected to continue benefit 25 coverage during that time?</p>
<p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. 3 A. No, I wouldn't know that. 4 Q. You wouldn't know that? I couldn't 5 hear you. I'm sorry. 6 A. I wouldn't know that. 7 Q. You can put that aside. 8 (Defendants' Exhibit 69, letter 9 dated August 5, 2020 was marked for 10 identification).</p> <p>11 Q. Ms. Ivey, I'm showing you a 12 document marked exhibit 69, a letter dated 13 August 5, 2020. Have you seen this document 14 before?</p> <p>15 A. I don't remember. I don't remember 16 seeing this document. I don't know. 17 (The witness reviews document.)</p> <p>18 A. I don't remember seeing this 19 document.</p> <p>20 Q. Are you aware that other -- sorry, 21 I didn't mean to cut you off, if you were 22 still responding.</p> <p>23 A. "On temporary layoff."</p> <p>24 I don't remember. I might have. I 25 don't remember.</p>	<p>Page 192</p> <p>1 O. IVEY 2 Q. Are you aware that other employees 3 also received this same letter on August 5 of 4 2020?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. I am not privy to knowledge of what 7 other people received.</p> <p>8 Q. The letter provides that your 9 temporary layoff which began on March 14, 2020 10 is continued for an undetermined number of 11 months.</p> <p>12 Do you believe that you were 13 temporarily laid off on March 14, 2020?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. There was a point when I thought 16 that I was temporarily laid off. However, 17 after a while I started to believe that it was 18 permanent. Because think of it. If -- if you 19 had -- you have a husband or a wife, and that 20 person left home to go to work and you are 21 hearing from them while they're away at work, 22 they're calling, checking in, keeping in 23 touch, telling you how things are going, and 24 then you stop hearing from your wife or your 25 husband, and there's dead silence, would you</p>

<p>1 O. IVEY 2 think that you're still married? 3 Q. Ms. Ivey, you've testified to many 4 questions today about when you believed you 5 were terminated from your employment. This 6 letter from August 5, 2020 identifies that the 7 layoffs included approximately 464 employees, 8 including yourself, and are still expected to 9 be temporary. 10 Do you know who those 464 employees 11 this letter is referring to is? 12 ATTORNEY BRUSTEIN: Objection. 13 A. I don't know. 14 Q. Okay. 15 A. But I think the Four Seasons would 16 know. 17 Q. I am asking you -- 18 A. The Four Seasons midtown would 19 know, and you would know because you would 20 have those records available. They would have 21 those records available. So I wouldn't ... 22 Q. Ms. Ivey, I am asking you as the 23 class representative if you know who those 24 individuals are? 25 A. No, I wouldn't have that record.</p>	<p>Page 194</p> <p>1 O. IVEY 2 Q. Okay. Ms. Ivey, is it fair to say 3 that one of your claims in this lawsuit 4 pertains to an alleged violation of the 5 federal WARN Act? 6 A. Yes. 7 Q. Is it also fair to say that one of 8 your claims in this lawsuit pertains to an 9 alleged violation of the New York State WARN 10 Act? 11 A. That is correct, yes. 12 Q. How do you believe that the 13 defendants violated the federal and state WARN 14 Acts? 15 A. I believe that we were sent home 16 temporarily, and at some point they, Four 17 Seasons midtown realized that it was going to 18 be permanent. They did not warn us within the 19 time as allowed under the law to let us know 20 that, number one, we were going to be out, we 21 were going to be terminated. And that is 22 something that they should have informed us or 23 warned us about. 24 Q. Anything else? 25 A. That's basically it.</p>
<p>1 O. IVEY 2 Q. As you sit here today, is it your 3 testimony that you believe that the hotel did 4 not advise you about your employment status at 5 the hotel from March 2020 to the present? 6 ATTORNEY BRUSTEIN: Objection. 7 A. They did inform us from about March 8 2020, when we were going home, that the amount 9 of time we were going to be home. Then it was 10 extended and it was extended and then after 11 that I believe that I was terminated without 12 any form of notice. 13 Q. And on August 5 of 2020 were you 14 advised that your temporary layoff occurred on 15 March 14, 2020 and was expected to be 16 temporary? 17 ATTORNEY BRUSTEIN: Objection. 18 A. I don't know what date I was 19 informed, because of course I don't remember. 20 However, according to the letter it stated 21 that it was supposed to be temporary. 22 However, that temporary situation has now 23 morphed into a permanent situation. Because I 24 cannot be temporarily laid off for three 25 years.</p>	<p>Page 196</p> <p>1 O. IVEY 2 Q. Is it fair to say that the hotel 3 did notify you that you were temporarily laid 4 off? 5 ATTORNEY BRUSTEIN: Objection. 6 A. It is fair to say they did inform 7 me I was temporarily laid off initially, yes. 8 But what is temporary? 9 Q. From August 2020 to the present, 10 how frequently would you describe Hotel 57 11 Services communicating with its employees by 12 letters, newsletters or otherwise? 13 ATTORNEY BRUSTEIN: Objection. 14 A. From what date? 15 Q. August of 2020. 16 A. I don't remember, to be honest. I 17 don't remember. I know that there have been 18 some town hall meetings and letters like the 19 ones that we have here. But I cannot tell you 20 how often those happened. 21 Q. Could you describe it as 22 frequently, infrequently, or something else? 23 A. I don't -- I would have to say in 24 the beginning we were being informed as things 25 developed. If there were changes, they were</p>

<p>1 O. IVEY 2 telling us what was going on, and they were 3 keeping us abreast of any new development that 4 was happening. But then after a while 5 everything just went dark. We weren't -- we 6 just stopped hearing from them. We didn't 7 know what -- and I am assuming it's because 8 they themselves didn't have any information to 9 give to us. So how do you have a meeting 10 without information. New information, that 11 is.</p> <p>12 So everything just went dark. But 13 I--</p> <p>14 Q. When did that occur?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I don't remember what date. We 17 haven't -- I haven't heard. I mean we haven't 18 had meetings in a very long time.</p> <p>19 Q. Do you know whether any individuals 20 who were employed by Hotel 57 Services LLC 21 resigned their employment after March 2020?</p> <p>22 A. I don't know.</p> <p>23 Q. Is it fair to say that one of your 24 claims in this lawsuit relates to whether you 25 are entitled to no-fault separation pay under</p>	<p>Page 198</p> <p>1 O. IVEY 2 the EmPact agreement?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know whether any individuals 5 who were employed by Hotel 57 Services, LLC 6 were transferred to other properties of the 7 Four Seasons after March 2020?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I don't know. Actually yes. I 10 know of one person that was transferred.</p> <p>11 Q. Do you recall their name?</p> <p>12 A. Eugenia. E-u-g-e-n-i-a.</p> <p>13 Q. And do you believe that Eugenia 14 would be entitled to the no-fault separation 15 pay from Hotel 57 Services after she was 16 transferred to another property of Four 17 Seasons?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. Well, I don't know because I don't 20 know if she was working also during the time 21 that others were laid off. I don't know if 22 she -- I don't know what kind of 23 correspondence or what kind of contact or even 24 if she was working during the pandemic. I 25 don't know these things. So I could not</p>
<p>1 O. IVEY 2 answer that question.</p> <p>3 (Defendants' Exhibit 70, letter 4 dated July 10, 2020 was marked for 5 identification).</p> <p>6 Q. Ms. Ivey, I'm showing you a 7 document that has been marked exhibit 70. 8 It's a letter dated July 10, 2020. Have you 9 seen this document before?</p> <p>10 (The witness reviews document.)</p> <p>11 A. I don't remember -- I don't -- I 12 don't know if I've seen this document before. 13 I-- I don't recall.</p> <p>14 Q. In the first paragraph it reads: 15 As of July 11, 2020 we will only allow 16 employees who are working at the hotel to be 17 on property.</p> <p>18 Does this letter refresh your 19 recollection that there were employees working 20 at the property in July of 2020?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. Well, the letter states that there 23 were people there. As far as me knowing that 24 there were people there, I don't know. The 25 letter is saying that there were people there.</p>	<p>Page 200</p> <p>1 O. IVEY 2 So I'm assuming that they're -- that they're 3 right.</p> <p>4 Q. When you say people, do you mean 5 employees?</p> <p>6 A. Yeah. Employees there. How many 7 were there, I wouldn't know that. The fact 8 that there were people there does not mean 9 that there were others who were not there.</p> <p>10 Right? And the ones who were not there and 11 were not notified adequately of what was 12 happening, they were not there. So, you know, 13 those people should have been notified about 14 what was happening in the long-term.</p> <p>15 Q. I'm sorry. Ms. Ivey, I don't 16 understand your response.</p> <p>17 A. What I'm saying --</p> <p>18 Q. Hang on. Let me just ask a 19 question.</p> <p>20 My question was whether or not this 21 letter refreshed your recollection that there 22 were employees working at the hotel on the 23 property in July 2020?</p> <p>24 ATTORNEY BRUSTEIN: Objection. She 25 never said she didn't remember. She</p>

<p>1 O. IVEY 2 said she didn't know. 3 A. Yeah, and I said to you I don't 4 know. I don't know if there were -- 5 ATTORNEY BRUSTEIN: There's no 6 coaching. 7 A. I did say that. I said the letter 8 indicates that there were people there. 9 Right? As far as I personally knowing that, I 10 don't. Because I wasn't there. 11 Q. But you previously testified that 12 if the hotel was in operation for temporary 13 housing of first responders there would be 14 employees there, did you not? 15 A. Yes, of course. 16 Q. Okay. And do you know how many 17 employees would have been there? 18 A. No. 19 Q. Do you know their names? 20 A. I wouldn't know who was there. 21 Because I wasn't there. 22 Q. As a class representative, do you 23 believe it's your responsibility to know who 24 was working at the hotel in July of 2020? 25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 202</p> <p>1 O. IVEY 2 A. I don't think that I have to know 3 who was working at the hotel during the time 4 that the nurses were there. Because if that 5 information is needed by my attorneys, I think 6 that they would be able to get that 7 information from the Four Seasons. 8 Q. So as you sit here today it's your 9 understanding as a class representative, you 10 don't need to know who specifically was 11 working at the property in July of 2020 to 12 represent their interests? 13 ATTORNEY BRUSTEIN: Objection. 14 A. I am saying I do not personally 15 have to know that, because this is information 16 that my legal representatives will be able to 17 acquire should they need it. 18 Q. So the answer is no? 19 ATTORNEY BRUSTEIN: Objection. 20 A. The answer is what I just said. 21 Q. Which is no? 22 ATTORNEY BRUSTEIN: Objection. 23 A. I do not have to know specifically 24 who was working. 25 Q. Let's turn to exhibit 41.</p>
<p>1 O. IVEY 2 (Defendants' Exhibit 41, Staley 3 v FSR 0057 was previously marked for 4 identification.) 5 Q. Ms. Ivey I've shown you a document 6 marked exhibit 41. It's a letter dated August 7 11, 2020 and it's Bates-numbered Staley v FSR 8 0057. 9 Do you recall receiving this? 10 (The witness reviews document.) 11 A. I don't -- I don't remember if I 12 received it. I don't. 13 Q. In the second sentence it says: As 14 you are aware, the coronavirus is still active 15 worldwide and specifically in New York City. 16 Does this refresh your recollection 17 about the coronavirus being active worldwide 18 and specifically in New York at that time? 19 ATTORNEY BRUSTEIN: Objection. 20 A. Well, this doesn't really spur my 21 memory. However, I think that at this time, 22 yes, the coronavirus was going on, was still 23 very, very active. 24 Q. Thank you. 25 (Defendants' Exhibit 42, Staley</p>	<p>Page 204</p> <p>1 O. IVEY 2 v FSR 0088 to 89 was previously marked 3 for identification.) 4 Q. I am going to show you a document 5 marked exhibit 42. 6 Ms. Ivey, I've shown you a document 7 marked exhibit 42 Bates-numbered Staley v FSR 8 0088 through Staley v FSR 0089. Have you seen 9 this document before? 10 A. I don't remember seeing this 11 document. 12 Q. The title of the document is 13 Questions Follow-Up From All Employee Town 14 Hall Call. 15 A. Mm-hmm. 16 Q. Do you recall participating in an 17 employee town hall call in August 28 -- 18 withdrawn. 19 Do you recall participating in an 20 all employee town hall call in August of 2020? 21 A. I have participated in town hall 22 calls. I don't know -- I don't recall what 23 dates. 24 Q. Do you recall approximately how 25 many town hall calls you participated in?</p>

<p>1 O. IVEY 2 A. No. I know it's more than one, 3 more than two. But I don't -- I don't recall. 4 Q. More than ten? 5 A. I wasn't keeping count, so I don't 6 know. 7 Q. That's okay. One of the questions 8 and answers in this document reads: During 9 the temporary closure may I visit the hotel? 10 And it says yes. 11 Do you recall ever inquiring about 12 visiting the hotel during its temporary 13 closure? 14 A. Yes. 15 Q. And did you visit the hotel during 16 its temporary closure? 17 A. Yes. I went to get my -- I have 18 clothes there, my personal clothes that I 19 store in a locker, and I did go there to 20 retrieve them. 21 (Defendants' Exhibit 43, Staley v 22 FSR 0221 was previously marked for 23 identification.) 24 Q. I am showing you a document 25 previously marked exhibit 43. It's</p>	<p>Page 206</p> <p>1 O. IVEY 2 Bates-numbered Staley v FSR 0221 and it's 3 dated September 17, 2020. 4 Do you recall receiving this 5 letter? 6 A. I don't remember. 7 Q. In the second paragraph it reads: 8 With the coronavirus still active worldwide 9 the travel and hospitality industry continues 10 to struggle with the way we do business. 11 Do you believe that in September 12 2020 the travel and hospitality industry 13 continued to struggle with the way they do 14 business? 15 ATTORNEY BRUSTEIN: Objection. 16 A. Yes. 17 ATTORNEY LUNDY: I only have a few 18 more of these letters to go through, if 19 you want to do that quickly. 20 ATTORNEY BRUSTEIN: You can push 21 through. I just don't know in terms of, 22 you know, natural breaks. 23 ATTORNEY LUNDY: Yes. Let's try to 24 chug through. 25 (Defendants' Exhibit 44, FSR 0058</p>
<p>1 O. IVEY 2 was previously marked for 3 identification.) 4 Q. Ms. Ivey I'm showing you a document 5 previously marked exhibit 44. It's Bates 6 number Staley v FSR 0058 dated October 5, 7 2020. Do you recall receiving this letter? 8 (The witness reviews document.) 9 A. I don't remember if I received this 10 letter. 11 Q. That's okay. We can move on. 12 (Defendants' Exhibit 45, Staley 13 v FSR 0001 was previously marked for 14 identification.) 15 Q. Ms. Ivey, I am showing you a 16 document previously marked exhibit 45 bearing 17 Bates numbers Staley v FSR 0001. Have you 18 seen this document before? 19 (The witness reviews document.) 20 A. I don't remember. 21 Q. It was from Elizabeth Ortiz sent on 22 November 19, 2020 to NYF All Staff DST. 23 Do you know what that email list 24 includes; who would be on it? 25 A. I know that all staff is usually</p>	<p>Page 208</p> <p>1 O. IVEY 2 all staff. 3 Q. And as all staff would you have 4 received this email? 5 ATTORNEY BRUSTEIN: Objection. 6 A. Well, I should receive this email. 7 However, there have been -- there have been 8 instances where I think that I haven't 9 received an email or two. I mean I never 10 really take it as a big deal. I don't know 11 why, like even while I was working, some folks 12 would receive the email and I would be, like, 13 I don't receive it. Or another person -- I 14 would receive an email and someone says they 15 didn't receive it. I don't know if it's an 16 oversight or... I don't know. But ... 17 Q. With respect to exhibit 45, you 18 don't recall one way or another whether or not 19 you received it? 20 A. I don't remember. 21 Q. Okay. Fair enough. 22 (Defendants' Exhibit 46, Staley 23 v FSR 0059 was previously marked for 24 identification.) 25 Q. Ms. Ivey, I'm showing you a</p>

<p>1 O. IVEY</p> <p>2 document previously marked exhibit 46 bearing</p> <p>3 Bates number Staley v FSR 0059 dated December</p> <p>4 3, 2020.</p> <p>5 Do you recall receiving this</p> <p>6 letter?</p> <p>7 (The witness reviews document.)</p> <p>8 A. I don't remember one way or the</p> <p>9 other if I received this letter.</p> <p>10 Q. The letter provides in the third</p> <p>11 paragraph, the second sentence: Most major</p> <p>12 attractions remain closed while restaurants</p> <p>13 suffer from several eliminations.</p> <p>14 Do you recall whether Broadway was</p> <p>15 closed in December of 2020?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I think -- yeah. I think that at</p> <p>18 that time, yes, Broadway was -- I think</p> <p>19 Broadway was closed, as was most places.</p> <p>20 Q. Do you recall when Broadway</p> <p>21 reopened?</p> <p>22 A. I don't remember when it was</p> <p>23 reopened.</p> <p>24 Q. The email continues in the fourth</p> <p>25 paragraph: As such, we wanted to let you know</p>	<p>Page 210</p> <p>1 O. IVEY</p> <p>2 that given the current situation and difficult</p> <p>3 market conditions that persist, the hotel will</p> <p>4 remain temporarily closed with an anticipated</p> <p>5 reopening date of late April 2021.</p> <p>6 Do you recall the hotel's reopening</p> <p>7 date being moved to April 2021?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I don't remember when it was moved</p> <p>10 to. I do know that we had several revisions,</p> <p>11 time revisions throughout the pandemic, which,</p> <p>12 you know, was expected based on what was</p> <p>13 happening with the pandemic in New York. So</p> <p>14 as far as when they were extending and the</p> <p>15 dates they were extended, I don't remember</p> <p>16 that.</p> <p>17 Q. Thank you.</p> <p>18 ATTORNEY LUNDY: Why don't we take</p> <p>19 a break here.</p> <p>20 ATTORNEY BRUSTEIN: Okay.</p> <p>21 --</p> <p>22 (Recess from 3:29 to 3:46.)</p> <p>23 --</p> <p>24 BY ATTORNEY LUNDY:</p> <p>25 Q. Ms. Ivey, we previously discussed</p>
<p>1 O. IVEY</p> <p>2 the town hall that occurred on June 25, 2021.</p> <p>3 Do you recall that discussion before?</p> <p>4 A. Yes.</p> <p>5 Q. During that town hall, do you</p> <p>6 recall who was speaking?</p> <p>7 A. There were so many people speaking.</p> <p>8 I can't -- I can't recall.</p> <p>9 Q. Did anyone from Hotel 57 Services,</p> <p>10 LLC say during that town hall that your</p> <p>11 employment was terminated?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. No one said that in so many words.</p> <p>14 Q. Did you receive a notice of</p> <p>15 termination of employment after the June 25,</p> <p>16 2021 town hall?</p> <p>17 A. I did not receive a letter of</p> <p>18 termination from that meeting. However,</p> <p>19 during the meeting so many questions were</p> <p>20 asked, and one of the questions that was asked</p> <p>21 was, you know, when we would be returning, and</p> <p>22 we were informed of all of the projects that</p> <p>23 were under way. And the director of</p> <p>24 engineering was speaking on some of the</p> <p>25 projects. And one of the projects that he</p>	<p>Page 212</p> <p>1 O. IVEY</p> <p>2 mentioned, he said there were -- I remember</p> <p>3 him saying there was more than one project</p> <p>4 that needed to take place. But when</p> <p>5 questioned on the timeline I think he said</p> <p>6 that there was, that the Fire Department</p> <p>7 project would take at least a year and a half.</p> <p>8 It usually takes -- I know there was a year</p> <p>9 and a half that was thrown out there.</p> <p>10 And with all the projects that were</p> <p>11 mentioned during that meeting, and if one is</p> <p>12 taking a year and a half, just -- it just</p> <p>13 seemed to me as if -- it appeared, based on</p> <p>14 the responses that there was no definite end</p> <p>15 in sight. And at that point I left that</p> <p>16 meeting feeling that we were not going to</p> <p>17 return to work.</p> <p>18 Q. Are you aware under New York law,</p> <p>19 termination of employment requires five days</p> <p>20 written notice of that termination?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. Under New York law termination</p> <p>23 requires notice, or five days notice, as you</p> <p>24 said. However, I am left wondering why is it</p> <p>25 that I was terminated and not given notice.</p>

<p>1 O. IVEY</p> <p>2 Q. That wasn't my question. I was</p> <p>3 just asking whether or not you were aware of a</p> <p>4 requirement to provide five days written</p> <p>5 notice following a termination of employment?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. I don't know the law per se.</p> <p>8 Anything that I know is either what I</p> <p>9 researched for myself or what my attorneys.</p> <p>10 Q. Did you ever receive a letter of</p> <p>11 notice of termination of employment from Hotel</p> <p>12 57 Services?</p> <p>13 A. I did not receive a letter of</p> <p>14 termination, except I did tell you that I was</p> <p>15 informed by Principal that I should remove my</p> <p>16 money, or I have the option to remove my</p> <p>17 money, because I was terminated.</p> <p>18 Also, if you would notice on the</p> <p>19 exhibit that you showed me of my pay stub,</p> <p>20 right? If I am still employed by Four Seasons</p> <p>21 why is it then that no money was contributed.</p> <p>22 On those times that I worked on task force, no</p> <p>23 money was taken from, I mean from my vacation,</p> <p>24 no money was taken. They paid me vacation but</p> <p>25 no contribution was made to my 401(k). And</p>	<p>Page 214</p> <p>1 O. IVEY</p> <p>2 that made -- there were so many -- there was</p> <p>3 more than one reason why I know I was</p> <p>4 terminated. And that leaves me to ask the</p> <p>5 question, why is it that no one from Four</p> <p>6 Seasons midtown informed me that I was</p> <p>7 terminated. Why did I have to find out from</p> <p>8 someone else.</p> <p>9 Q. Is Principal a separate entity from</p> <p>10 Hotel 57 Services LLC?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. They are a separate entity.</p> <p>13 However, they do communicate with each other.</p> <p>14 Q. This is a yes or no question. Did</p> <p>15 you --</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 Q. -- receive a written notice of</p> <p>18 termination of employment from Hotel 57</p> <p>19 Services?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. I did not receive a letter of</p> <p>22 termination. However, Principal told me they</p> <p>23 received one.</p> <p>24 Q. Ms. Ivey, when I'm asking a</p> <p>25 question, I would ask you to listen to it and</p>
<p>1 O. IVEY</p> <p>2 answer the question that's before you.</p> <p>3 Narratives that are not responsive to a</p> <p>4 question is just going to keep us here a lot</p> <p>5 longer.</p> <p>6 A. Okay.</p> <p>7 Q. You previously testified that</p> <p>8 Principal is a separate entity from Hotel 57</p> <p>9 Services LLC, is that correct?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. Do you have any supervisors at</p> <p>12 Principal?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. I do not have supervisors at</p> <p>15 Principal. But I do have people from people</p> <p>16 and culture, just the same way they inform</p> <p>17 Principal that when I am employed, that okay,</p> <p>18 we have a new employee, this is going to</p> <p>19 happen. When they terminate people that's how</p> <p>20 they also send them notice to Principal saying</p> <p>21 who was terminated. And I think that's how</p> <p>22 Principal was able to tell me that I need to</p> <p>23 move my money and I can no longer contribute</p> <p>24 to my retirement plan.</p> <p>25 Q. Ms. Ivey, is it your testimony that</p>	<p>Page 216</p> <p>1 O. IVEY</p> <p>2 Principal has the authority to terminate your</p> <p>3 employment from Hotel 57 Services LLC?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. They don't.</p> <p>6 (Defendants' Exhibit 50, Staley</p> <p>7 v FSR 0061 was previously marked for</p> <p>8 identification.)</p> <p>9 Q. I would like to show you exhibit</p> <p>10 50, please. Ms. Ivey, I'm showing you a</p> <p>11 document marked exhibit 50 bearing Bates</p> <p>12 number Staley v FSR 0061 dated June 25, 2021.</p> <p>13 Do you recall receiving this</p> <p>14 letter?</p> <p>15 A. No, I don't recall receiving a</p> <p>16 letter from this lady. I don't know -- I</p> <p>17 don't recall. I don't recall this. I</p> <p>18 don't -- no.</p> <p>19 Q. You previously identified Elizabeth</p> <p>20 Ortiz as the director of people & culture of</p> <p>21 Hotel 57 Services, LLC is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And this letter is signed by</p> <p>24 Elizabeth Ortiz, is it not?</p> <p>25 A. Yes. That's what it says, yes.</p>

<p>1 O. IVEY</p> <p>2 Q. Does this letter refresh your</p> <p>3 recollection that during the town hall you</p> <p>4 were advised that the hotel will continue to</p> <p>5 remain closed as a hotel, will be undergoing</p> <p>6 substantial infrastructure and maintenance</p> <p>7 work that is expected to last well into 2022?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I think that that was said, that</p> <p>10 there was -- yeah.</p> <p>11 Q. The letter continues: Upon</p> <p>12 reopening, we are committed to recalling</p> <p>13 employees as business levels rebound.</p> <p>14 Does the letter say that?</p> <p>15 A. The letter says that.</p> <p>16 Q. Do you see anywhere in this letter</p> <p>17 that it references the termination of</p> <p>18 employment of any employee?</p> <p>19 A. There is nothing in this letter</p> <p>20 that says that.</p> <p>21 Q. And you previously testified that</p> <p>22 you did not ask any questions either verbally</p> <p>23 or in any written format during that town hall</p> <p>24 meeting on June 25, 2021, is that correct?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 218</p> <p>1 O. IVEY</p> <p>2 A. I did also say that it would be</p> <p>3 repetitive because the questions that I had</p> <p>4 were asked by other people. So there was a</p> <p>5 lot of people on the call asking questions.</p> <p>6 So if I had a question to ask, when would the</p> <p>7 hotel be opened, and someone else has already</p> <p>8 asked it, I am not going to ask that, because</p> <p>9 the information is given. It would be silly.</p> <p>10 Q. So your answer is no, correct?</p> <p>11 A. No, I didn't ask.</p> <p>12 Q. Okay. Thank you.</p> <p>13 ATTORNEY LUNDY: I would like to</p> <p>14 look at exhibit 51, please.</p> <p>15 (Defendants' Exhibit 51, Staley</p> <p>16 v FSR 0082 to 85 was previously marked</p> <p>17 for identification.)</p> <p>18 Q. Ms. Ivey, I'm showing you a</p> <p>19 document marked exhibit 51 bearing Bates</p> <p>20 number Staley v FSR 0082 and it continues to</p> <p>21 Staley v FSR 0085.</p> <p>22 Have you seen this document before?</p> <p>23 A. I don't remember seeing this</p> <p>24 document, no. I don't remember seeing this</p> <p>25 document, no.</p>
<p>1 O. IVEY</p> <p>2 Q. Please turn to the last page</p> <p>3 bearing Bates number Staley v FSR 0085.</p> <p>4 A. Yes.</p> <p>5 Q. Do you identify any individuals</p> <p>6 listed under Anniversaries?</p> <p>7 A. Yes.</p> <p>8 Q. Can you identify those people who</p> <p>9 you recognize, please?</p> <p>10 A. Pamela Mapp, Winnie Chan, Maribel</p> <p>11 Rodriguez.</p> <p>12 Q. Anyone else?</p> <p>13 A. Edward Nieves, Lyneate Agyeman.</p> <p>14 Q. Looking at Pamela Mapp</p> <p>15 specifically, it identifies 28 years on July</p> <p>16 12. Does that reference, based upon your</p> <p>17 review of this document, her years of service</p> <p>18 at Hotel 57 Services LLC, at the hotel?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Well, this document says that. I</p> <p>21 don't know how many years she -- I know she's</p> <p>22 a long-term employee. I don't know how many</p> <p>23 years she was there.</p> <p>24 Q. Ms. Ivey, we've reviewed an initial</p> <p>25 complaint and the amended complaint in this</p>	<p>Page 220</p> <p>1 O. IVEY</p> <p>2 lawsuit. The amended complaint is exhibit 6.</p> <p>3 Is that right? You have identified this</p> <p>4 before?</p> <p>5 A. Was it something you gave me</p> <p>6 earlier? This one here, number 6?</p> <p>7 Q. Yes, exhibit 6. The amended</p> <p>8 complaint.</p> <p>9 A. Yes, I have it here.</p> <p>10 Q. What do you think that the</p> <p>11 defendants did wrong here?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 Q. That brought about this lawsuit?</p> <p>14 A. I think that, number one, they did</p> <p>15 not inform us as mandated by the law of our</p> <p>16 continued unemployment status.</p> <p>17 Number two, I know for myself</p> <p>18 personally, I believe myself to be terminated</p> <p>19 and I was not informed by the Four Seasons</p> <p>20 midtown that I was terminated.</p> <p>21 And I believe that the fact that</p> <p>22 they expect myself and people in similar</p> <p>23 position as myself to be out of work and was</p> <p>24 told that we -- if we take up employment</p> <p>25 outside of the Four Seasons midtown while we</p>

<p>1 O. IVEY 2 are out of work, it forfeits any form of 3 future severance pay that we would have been 4 entitled to. 5 You -- the Four Seasons midtown is 6 telling me that while having me out of work, 7 either indefinitely or having terminated me 8 without any form of notice. 9 If you are terminating me you 10 should give me notice and give me the option 11 of moving on. Give me closure. Give other 12 people in similar position closure. I think 13 that we deserve that. Even if we were working 14 there for one day, we deserve that. We have 15 families. We are human beings. We have 16 committed our lives and grew up with Four 17 Seasons. I went there in my 20s. I'm 53 18 years old. 53 years old. And I have 19 committed myself, I have worked many hours in 20 that place. Never questioned anything that I 21 was doing. Totally, totally loyal and 22 committed to the Four Seasons brand, and then 23 you come and tell me I cannot work or forfeit 24 anything that I have coming to me, when I have 25 a family to feed, I have a child, I have a</p>	<p>Page 222</p> <p>1 O. IVEY 2 grandchild, I have myself. Everything that I 3 have worked for in 25 years have been wiped 4 out waiting on these people to tell me exactly 5 what is going on with me. I am not a rich 6 woman. I'm not from a rich family. I 7 migrated here over 30 years ago from Jamaica 8 to make a life for myself and my disabled 9 child. And to be treated like this in a 10 company that tells me to treat others the way 11 I want to be treated. This is the Four 12 Seasons motto. This is what we drive home 13 everyday. As a leader of the Four Seasons, 14 this is what I teach people that I coach 15 everyday, treat each other with respect, with 16 dignity. And we served the Four Seasons with 17 pride.</p> <p>18 Do you know what it feels like when 19 you have made so many sacrifices with my 20 family, and then to go home and let my family 21 realize that the company that I was battling 22 for for 25 years treat me this poorly? It is 23 embarrassing, it is hurtful, and it is wrong. 24 It is wrong. On every level it is wrong.</p> <p>25 Q. Ms. Ivey, why don't we take a</p>
<p>1 O. IVEY 2 break?</p> <p>3 ATTORNEY BRUSTEIN: Do you need a 4 break?</p> <p>5 ATTORNEY BOLAND: Yes, we're going 6 to take a break.</p> <p>7 ATTORNEY LUNDY: Let's take a 8 break.</p> <p>9 A. It is so wrong. You guys have no 10 idea --</p> <p>11 ATTORNEY LUNDY: We're off --</p> <p>12 ATTORNEY BRUSTEIN: She's still 13 talking.</p> <p>14 ATTORNEY BOLAND: She's still 15 talking.</p> <p>16 A. You guys have no idea what this 17 does to me as a person. Can you imagine, I 18 joined this company in my 20s? I'm now 53 19 years old and to be unceremoniously let go 20 from a company that I have served almost all 21 of my adult life? Come on, guys. This is not 22 right.</p> <p>23 I have never been in a courthouse 24 setting before. This is not how I was raised. 25 I was not raised to go against anyone or</p>	<p>Page 224</p> <p>1 O. IVEY 2 anything. I was raised to stand up for rights 3 and justice and to do what is right, and my 4 dad died, and that's what he taught me. To 5 stand up for myself, and I never thought I 6 would have to stand up against a company that 7 I loved so much and that I served for almost 8 all my adult life. It's wrong. I loved this 9 company. I never in a million years thought 10 that they would treat me like this. Never in 11 a million years. If someone had told me Four 12 Seasons would have done this to me, I would 13 tell them they're lying. Because when I was 14 serving, I was serving with pride. It's 15 hurtful. I don't even know how to explain how 16 badly it hurts. Because I believed in that 17 company.</p> <p>18 ATTORNEY LUNDY: Can we take a 19 break, please?</p> <p>20 ATTORNEY BOLAND: Let's take a 21 break.</p> <p>22 --</p> <p>23 (Recess from 4:05 to 4:15.)</p> <p>24 --</p> <p>25 Q. We're going to be referring to the</p>

<p>1 O. IVEY 2 EmPact agreement which is attached to the 3 Brustein declaration. 4 ATTORNEY BRUSTEIN: Is that 10? 5 ATTORNEY LUNDY: Yes, it's 10. 6 Good memory. 7 Q. Ms. Ivey, I appreciate what you 8 believe you've heard being shared with you by 9 the hotel relative to your employment status. 10 But do you think it's possible that you may 11 have misinterpreted what was being shared to 12 you by the hotel and your ability to work 13 while the hotel remained on temporary closure?</p> <p>14 ATTORNEY BRUSTEIN: Objection. 15 A. No. 16 Q. I would like to refer you to page 17 27 of the EmPact agreement, which I believe 18 you have in front of you. 19 The bottom is titled Moonlighting 20 and Outside Employment. 21 The agreement always allowed you to 22 work and moonlight outside of your employment 23 at Hotel 57 Services LLC. Do you see that?</p> <p>24 ATTORNEY BRUSTEIN: Objection. 25 A. Yes.</p>	<p>Page 226</p> <p>1 O. IVEY 2 Q. So is it possible that in these 3 communications from the hotel, specifically at 4 the June 25, 2021 town hall, the hotel was not 5 advising you that you were terminated or not 6 permitted to work outside of your employment, 7 because the agreement says that you can, but 8 rather if you resigned your employment and 9 went to work somewhere else, that you wouldn't 10 be entitled to no-fault separation pay; but 11 you were always permitted to moonlight outside 12 of your employment?</p> <p>13 ATTORNEY BRUSTEIN: Objection. Is 14 there a question?</p> <p>15 ATTORNEY LUNDY: I believe one's 16 pending.</p> <p>17 ATTORNEY BOLAND: It started with 18 "is it possible."</p> <p>19 ATTORNEY BRUSTEIN: Oh, thank you. 20 Objection.</p> <p>21 A. I do not see how I could have 22 interpreted that statement, that information 23 that was given to me any differently. The 24 question was asked if we go and take up 25 employment outside of the Four Seasons while</p>
<p>1 O. IVEY 2 we are out of work, will that affect our -- 3 any severance pay that might be coming to us. 4 And you could go back and listen to the 5 recording. Elizabeth was clear in her 6 response. I don't see how I could have 7 interpreted it any other way other than how I 8 interpreted it.</p> <p>9 Q. Looking at the EmPact agreement at 10 page 27 under moonlighting and outside 11 employment. It reads: I am free to have 12 outside employment and activities.</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. And does the contract allow you to 16 have outside employment consistent with the 17 terms of this provision?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. Well, this is what this is saying. 20 Moonlighting is taking up a second, I would 21 look at it as, okay, you have a second job 22 that substitutes your job, whatever income you 23 have going on at the Four Seasons. However, 24 when the question was asked of Elizabeth, this 25 is what her response was. She said if we take</p>	<p>Page 228</p> <p>1 O. IVEY 2 up employment out of Four Seasons it forfeits 3 any severance pay that is coming. I'm saying 4 I don't know how else I would have interpreted 5 that.</p> <p>6 Q. Is it possible, Ms. Ivey, that 7 Ms. Ortiz was referring to a resignation of 8 employment and not to your ability to work 9 outside of employment consistent with the 10 terms of the agreement, is that possible?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. Well, the word "resignation" never 13 came up.</p> <p>14 Q. Right.</p> <p>15 A. Right? During the questioning the 16 word "resignation" never came up. It was 17 not -- if I resigned, which would be a silly 18 question to ask, right? If I resigned from 19 Four Seasons? If someone resigns then there 20 is no way that they could be expecting to get 21 severance pay. So it would not be even a 22 relevant question to ask her, right?</p> <p>23 Q. Ms. Ivey --</p> <p>24 A. If I resigned, will I get severance 25 pay? No one resigns and gets severance pay.</p>

<p>1 O. IVEY 2 Q. Ms. Ivey, when was the last time 3 you listened to that recording? 4 A. The last time I listened to that 5 recording was -- I don't remember. I can't -- 6 I don't remember when was the last time I 7 listened to it. 8 ATTORNEY BOLAND: Dates. 9 A. I don't remember dates. I have 10 worked on my birthday before not remembering 11 it was my birthday. 12 ATTORNEY BOLAND: I'm with you. 13 A. And it was a switch with someone 14 else. I wasn't scheduled to work. 15 Q. Ms. Ivey, I am going to refer you 16 back to the amended complaint at paragraph 17 228. 18 A. This one? 19 Q. The one right next to you, yes. 20 The amended complaint. It's on page 31. 21 Paragraph 228. Do you see that there? 22 A. Mm-hmm. 23 Q. And Ms. Ivey, you previously 24 testified that the content of your amended 25 complaint is true and accurate, did you not?</p>	<p>Page 230</p> <p>1 O. IVEY 2 A. Mm-hmm. 3 Q. And at paragraph 228 it's 4 summarizing the content of the town hall 5 meeting on June 25, 2021. And in paragraph 6 28, 228, it says: Ms. Ortiz answered by 7 stating, quote "At this juncture, we are 8 looking at the fact that you are still 9 currently furloughed, employees that have 10 worked with the company, have worked with this 11 property for the time period that you have, 12 you are considered to be furloughed, so we 13 wouldn't be paying out the severance at this 14 juncture, only because we do consider you to 15 be furloughed. We do anticipate reopening and 16 we do anticipate recalling you to work once we 17 do open." 18 So I again ask you and refer you 19 back to page 27 of the EmPact agreement, 20 whether or not it's possible that you 21 misunderstood the content of that conversation 22 on June 25, 2021 and you were in fact 23 permitted to find outside employment and 24 activities because Hotel 57 Services LLC 25 considered you to be on furlough and</p>
<p>1 O. IVEY 2 anticipated recalling you back? 3 ATTORNEY BRUSTEIN: Objection. 4 A. The fact that -- okay. Four 5 Seasons New York midtown is considering -- 6 Ms. Ortiz is saying we are on layoff. 7 Q. Ms. Ivey -- 8 A. However -- hold on. I am trying to 9 understand. Can layoff be permanent? 10 Q. The purpose of this deposition is 11 not to ask a question. Perhaps we should go 12 back and look at paragraph 228 and confirm 13 that this is a paragraph that you have 14 previously identified as being part of the 15 amended complaint -- 228, the one I just read 16 from -- as being true and accurate. Is that 17 correct? 18 ATTORNEY BRUSTEIN: Objection. 19 A. Just give me one second. Let me 20 look at it. 21 (The witness reviews document.) 22 A. Yes, she did -- I am assuming that 23 she did say this. 24 Q. The term "resignation" wasn't used, 25 or at least not referenced in this paragraph</p>	<p>Page 232</p> <p>1 O. IVEY 2 228 of your amended complaint. 3 A. Mm-hmm. 4 Q. But was the idea of leaving the 5 hotel to accept employment used? 6 ATTORNEY BRUSTEIN: Objection. 7 A. I don't see that here. 8 Q. Reading paragraph -- I'm sorry. 9 Reading page 27 of the EmPact agreement today, 10 do you understand that if you were on, whether 11 actively working or on temporary furlough from 12 the hotel, you would be permitted to find 13 outside employment? 14 ATTORNEY BRUSTEIN: Objection. 15 Q. Based upon your reading of the 16 agreement? 17 ATTORNEY BRUSTEIN: Objection. 18 A. I am looking that if I am 19 temporarily furloughed, that I would be able 20 to take up employment based on what I see 21 here. But that is not what was communicated 22 to us on the meeting. 23 Q. And I refer you back to, Ms. Ivey, 24 to paragraph 228. And you previously 25 testified that the contents of your amended</p>

<p>1 O. IVEY 2 complaint was true and accurate, correct? 3 A. Yes. 4 Q. Is there anything in paragraph 228 5 that references that you were terminated from 6 your employment? 7 ATTORNEY BRUSTEIN: Objection. 8 A. No. It did reference that I was 9 permanently laid off. 10 Q. Where in paragraph 228 does it use 11 the word permanently laid off? 12 A. It's – there is nothing in the 13 paragraph that said I'm permanently laid off, 14 but if I am out of work for so many years, and 15 you're still telling me that I am furloughed 16 with no end in sight, then I'm going to 17 take – I do believe that at that juncture 18 that we are not furloughed. 19 Q. That might be your impression, 20 Ms. Ivey. But what was relayed to you as 21 referenced in paragraph 228 was that Hotel 57 22 Services considered you to be furloughed and 23 anticipated recalling you to work once the 24 hotel does reopen, does it say that? 25 ATTORNEY BRUSTEIN: Objection.</p>	<p>Page 234</p> <p>1 O. IVEY 2 A. It says that here, yes. 3 Q. And if the hotel reopened tomorrow 4 you testified that you don't know whether or 5 not you would go back to work? 6 ATTORNEY BRUSTEIN: Objection. 7 A. I would have to think about it. I 8 did say that. 9 Q. Let's look at the no-fault 10 separation pay provision in the EmPact 11 agreement. And that's a few pages towards the 12 end, beginning at page 56? 13 ATTORNEY BRUSTEIN: Are you going 14 back to the EmPact agreement? 15 ATTORNEY LUNDY: Yes. The EmPact 16 agreement. 17 A. Page 56? 18 Q. We can actually turn to page 57 19 first. Ms. Ivey, there's two columns at the 20 top of the page, continuous service and 21 no-fault separation pay. Reading those 22 provisions is it your understanding that 23 no-fault separation pay is calculated based 24 upon the information contained on this page 57 25 of the EmPact agreement?</p>
<p>1 O. IVEY 2 A. Yes. 3 Q. And as you sit here today what do 4 you believe to be your continuous service 5 years for Hotel 57 Services LLC for purposes 6 of calculating no-fault separation pay? 7 A. It would be somewhere in the 24 8 years. 9 Q. Do you believe that your years of 10 service should continue from March 20, 2020 to 11 the present? 12 ATTORNEY BRUSTEIN: Objection. 13 A. Until today? 14 Q. Yes. 15 A. It couldn't be until today. 16 Because I was already terminated. 17 Q. Do you know the amount of no-fault 18 separation pay you are seeking in this 19 lawsuit, based upon the formula set forth on 20 page 57? 21 A. I don't know the -- it was 22 calculated for me by my attorneys. I cannot 23 tell you off the top of my head how much that 24 is. 25 (Defendants' Exhibit 28, letter</p>	<p>Page 236</p> <p>1 O. IVEY 2 dated February 24, 2023 from Brustein 3 law firm was previously marked for 4 identification.) 5 Q. I am going to show you a document 6 marked exhibit 28. Ms. Ivey, I have given you 7 an exhibit marked 28. It's a letter from 8 Brustein Law PLLC dated February 24, 2023. 9 And on the last page of this document it's 10 titled Verification. Do you see that on the 11 last page? 12 A. Yes. 13 Q. Is that your signature at the 14 bottom of the page? 15 A. On the last page, yes. 16 Q. And is this document confirming 17 that the content of the February 24, 2023 18 letter is accurate, to your personal 19 knowledge? 20 ATTORNEY BRUSTEIN: Objection. 21 A. To my knowledge, yes. 22 Q. Okay. Let's turn back to the 23 letter, please at page 2. 24 A. Page 2, okay. 25 Q. Under section C it says:</p>

<p>1 O. IVEY</p> <p>2 Plaintiff's Olive Ivey estimated damages are</p> <p>3 as follows.</p> <p>4 And I'm looking at (i). It lists</p> <p>5 \$44,500 in no-fault separation pay. Do you</p> <p>6 see that?</p> <p>7 A. I see that.</p> <p>8 Q. And is it your understanding that</p> <p>9 the sum of \$44,500 is the amount of no-fault</p> <p>10 separation pay that you would be entitled to</p> <p>11 based upon your continuous years of service</p> <p>12 for the hotel as outlined on page 57 of the</p> <p>13 EmPact agreement?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. Well, that is what my attorneys</p> <p>16 estimated it to be based on their knowledge of</p> <p>17 how this has to be calculated --</p> <p>18 Q. And you verified that, right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So let's turn back to the</p> <p>21 EmPact agreement, please. You have previously</p> <p>22 testified that you are proceeding with this</p> <p>23 lawsuit as a potential class representative</p> <p>24 for other employees of the hotel, is that</p> <p>25 right?</p>	<p>Page 238</p> <p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. Do you know the amount of no-fault</p> <p>4 separation pay other employees would be</p> <p>5 entitled to in connection with this lawsuit?</p> <p>6 A. I do not.</p> <p>7 Q. Do you know whether all employees</p> <p>8 of the hotel would be entitled to no-fault</p> <p>9 separation pay?</p> <p>10 A. I do not.</p> <p>11 Q. Do you know whether any employees</p> <p>12 of the hotel has resigned their employment and</p> <p>13 accepted other employment at other</p> <p>14 establishments?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I do not.</p> <p>17 Q. Let's turn to page 56, please, of</p> <p>18 the EmPact agreement. At the bottom it says</p> <p>19 no-fault separation pay. Do you see that,</p> <p>20 Ms. Ivey that section?</p> <p>21 A. No-fault separation pay?</p> <p>22 Q. Yes.</p> <p>23 A. Yes.</p> <p>24 Q. In the first sentence it says, If I</p> <p>25 receive a permanent layoff with no right of</p>	
<p>1 O. IVEY</p> <p>2 recall or I am terminated for no-fault, my</p> <p>3 termination will be considered no-fault.</p> <p>4 Do you understand that in this</p> <p>5 lawsuit you're asking the court to determine</p> <p>6 that you were terminated from your employment</p> <p>7 and you will not have a right to be recalled</p> <p>8 to the hotel?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. Yes.</p> <p>11 Q. And as a class representative, do</p> <p>12 you know if anyone else is willing to give up</p> <p>13 their right to recall for payment of the</p> <p>14 no-fault separation pay if the hotel was to</p> <p>15 reopen?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I don't know that. But I'm sure</p> <p>18 that my attorneys will be able to ascertain</p> <p>19 that information.</p> <p>20 Q. Is it possible that there are</p> <p>21 individuals or employees of Hotel 57 Services</p> <p>22 who would like to be recalled to the hotel</p> <p>23 when it reopens?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. Probably.</p>	<p>Page 240</p> <p>1 O. IVEY</p> <p>2 Q. As you sit here today, you would be</p> <p>3 willing to accept \$44,500 from the hotel for</p> <p>4 no-fault separation pay instead of being</p> <p>5 recalled to the hotel when it reopens?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. I am expecting to be paid, yes.</p> <p>8 Q. And you're willing to forgo the</p> <p>9 ability to be recalled to the hotel when it</p> <p>10 reopens?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. Yes.</p> <p>13 Q. Ms. Ivey, do you think you are</p> <p>14 authorized to make that choice of electing</p> <p>15 no-fault separation pay instead of being</p> <p>16 recalled to the hotel for everyone else?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. If -- I'm sorry. Could you please</p> <p>19 repeat the question.</p> <p>20 ATTORNEY LUNDY: Can you re-read</p> <p>21 the question, please.</p> <p>22 (Requested portion of the record</p> <p>23 read back.)</p> <p>24 A. No.</p> <p>25 Q. Do you know whether Hotel 57</p>	<p>Page 241</p>

<p>1 O. IVEY 2 Services also employs union members? 3 ATTORNEY BRUSTEIN: Objection. 4 A. (No response.) 5 Q. Let me rephrase the question. Are 6 you aware that individuals who are part of a 7 union are employed by Hotel 57 Services LLC? 8 ATTORNEY BRUSTEIN: Objection. 9 A. Yes. 10 Q. And do you know whether they are 11 also subject to the same agreement as you, 12 this EmPact agreement that we've been 13 reviewing today? 14 ATTORNEY BRUSTEIN: Objection. 15 A. There are certain aspects of the 16 EmPact agreement that they are -- that they're 17 bound by. But they also have a union 18 contract. 19 Q. A collective bargaining agreement? 20 A. Yes. 21 Q. And do you know whether that 22 collective bargaining agreement sets forth 23 their terms of compensation as an employee of 24 the hotel? 25 A. I do not know what's in their</p>	<p>Page 242</p> <p>1 O. IVEY 2 contract, as far as that is concerned. I do 3 know about the rules and regulations as it 4 governs their work, their work rules. But not 5 their compensation or anything of that nature. 6 Q. So it's your understanding that the 7 EmPact agreement, which on its cover says 8 U.S. EmPact Employee Handbook also applies to 9 the union members relative to work rules, is 10 that correct? 11 ATTORNEY BRUSTEIN: Objection. 12 A. It does apply to them. But there 13 are things in their contract that is not 14 included in the EmPact agreement. 15 Q. That would be included in the 16 collective bargaining agreement, to your 17 knowledge? 18 ATTORNEY BRUSTEIN: Objection. 19 A. I -- I think so. Because the 20 EmPact serves for both union and non-union 21 employees, and the bargaining agreement just 22 serves for the unionized employees. 23 Q. Do you know whether union employees 24 have received any compensation since March of 25 2020?</p>
<p>1 O. IVEY 2 A. I have heard that there are people 3 who have opted to receive compensation. I am 4 not -- I heard. I am not -- I haven't spoken 5 to anyone who said I have taken money. 6 Q. Do you believe that union employees 7 governed by a collective bargaining agreement 8 are similarly situated to you? 9 ATTORNEY BRUSTEIN: Objection. 10 A. Yes. 11 Q. In what way? 12 A. Well, they -- they're out of work 13 also. They were not adequately notified, 14 properly notified as they should have been 15 under the WARN Act. The difference for them 16 is that they are allowed under the union to be 17 employed, they are able to go to the union 18 house and have employment without losing their 19 status with the Four Seasons. 20 Q. How do you know they were not 21 properly notified, as you've just testified 22 to? 23 A. Well, I don't -- 24 ATTORNEY BRUSTEIN: Objection. 25 A. -- I don't think any of us were.</p>	<p>Page 244</p> <p>1 O. IVEY 2 Q. Are you aware that union employees 3 received separate WARN notices than non-union 4 employees? 5 A. I was not aware of that. 6 Q. Are you aware that union employees 7 have received compensation from Hotel 57 8 Services since March 2020? 9 ATTORNEY BRUSTEIN: Objection. 10 A. I heard that. 11 Q. Let's refer back to the EmPact 12 agreement, please, before we do that. I'm 13 sorry. 14 You previously testified that 15 Sharon Brambrut was your supervisor, is that 16 correct? 17 A. I reported to her too, yes. 18 Q. Okay. Did you ever discuss your 19 concerns regarding the payment or lack thereof 20 of the no-fault separation pay with Sharon 21 Brambrut? 22 A. I don't remember having that 23 discussion with her. 24 Q. Did you ever file a written 25 complaint with human resources -- with the</p>

<p>1 O. IVEY 2 human resources office about your concerns 3 about payment of no-fault separation pay? 4 ATTORNEY BRUSTEIN: Objection. 5 A. No. 6 Q. Did you ever request the director 7 of human resources to assist you in preparing 8 any type of internal complaint about a concern 9 about no-fault separation pay? 10 ATTORNEY BRUSTEIN: Objection. 11 A. No. 12 Q. Did you ever receive any written 13 decision on any complaint to human resources 14 regarding your concerns about no-fault 15 separation pay? 16 A. No. 17 Q. Did you ever file an appeal to a 18 general manager of the hotel about any 19 decision by human resources regarding the 20 failure to pay no-fault separation pay? 21 ATTORNEY BRUSTEIN: Objection. 22 A. While there was a GM, no. 23 Q. Was the first time you raised the 24 concerns about the failure to pay no-fault 25 separation pay in this lawsuit?</p>	<p>Page 246</p> <p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. 3 A. When I thought of raising the 4 question was on the town hall meeting. But I 5 did not raise the question because the 6 question was already asked. 7 Q. You raised it in your complaint 8 that we're here for today in the lawsuit, is 9 that right? 10 A. Yes. 11 Q. And that was the first time you 12 raised it in this lawsuit? 13 ATTORNEY BRUSTEIN: Objection. 14 A. In the lawsuit it was raised. 15 However I knew what the response was from the 16 meeting, because the question was asked. As I 17 said before in the meeting, in the town hall 18 meeting, if a question is asked -- if someone 19 is thinking of a question and the question is 20 asked, there were so many people on, and the 21 question was asked by someone else, I'm not 22 going to ask the same question again. Because 23 the question was asked and a response was 24 given. 25 Q. A question was asked, is that what</p>
<p>1 O. IVEY 2 you're saying? 3 A. The question was asked. 4 Q. Okay. 5 A. And a response was given. 6 Q. Okay. But the first time that you 7 raised a complaint about not being paid 8 no-fault separation pay was when this lawsuit 9 was filed, is that correct? 10 A. I never spoke with anyone at the 11 Four Seasons about that. 12 Q. Okay. Thank you. I just have one 13 more line of questioning. It should be pretty 14 quick. 15 ATTORNEY LUNDY: Do we want to take 16 a break or do you want to keep going? 17 I'm okay to keep going. Ms. Ivey, are 18 you all right? 19 THE WITNESS: I'm okay. 20 ATTORNEY LUNDY: Okay, great. 21 Q. Ms. Ivey, we were looking at a 22 document letter marked exhibit 28, it's a 23 letter from February 24, 2023. And it 24 identifies your estimated damages in this 25 lawsuit. Can you look at that, please?</p>	<p>Page 248</p> <p>1 O. IVEY 2 A. Yes. 3 Q. The letter identifies compensatory 4 damages in the amount of \$110,000 based on 5 \$44,500 in no-fault separation pay, \$21,833 in 6 WARN Act damages for each of the three 7 violations of the WARN Act, totalling \$65,500. 8 Do you see that? 9 A. I see that, yes. 10 Q. Is it your understanding that those 11 are the compensatory damages you are seeking 12 in this lawsuit? 13 ATTORNEY BRUSTEIN: Objection. 14 A. It is my understanding. 15 Q. This section references each of the 16 three violations of the WARN Act. Do you know 17 what the three violations this letter is 18 referring to? 19 A. Yes. 20 Q. Can you identify those for me 21 please? 22 A. It was for all the times that they 23 did inform us that we would be returning to 24 work, but never did. 25 Q. Do you recall those dates?</p>

<p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. 3 A. No. 4 ATTORNEY BOLAND: That question 5 answered itself. 6 Q. I also see items 2 and 3 listed in 7 section C but without a specific accounting, 8 is that correct? 9 A. Yes. 10 Q. And as we sit here today, you're 11 unaware of what those specific estimated 12 damages are, is that right? 13 ATTORNEY BRUSTEIN: Objection. 14 A. I am unaware. My understanding is 15 that it will be whatever the court decides. 16 Q. Are you aware of any monetary 17 damages Ms. Selena Staley sustained in 18 connection with this lawsuit? 19 ATTORNEY BRUSTEIN: Objection. 20 A. No. 21 Q. Are you aware of any monetary 22 damages allegedly sustained by Vivian Holmes 23 in connection with this lawsuit? 24 ATTORNEY BRUSTEIN: Objection. 25 A. No.</p>	<p>Page 250</p> <p>1 O. IVEY 2 Q. What about anyone else that you are 3 representing as a class representative in this 4 lawsuit, do you know what damages they have 5 sustained in connection with this lawsuit? 6 ATTORNEY BRUSTEIN: Objection. 7 A. I do not know what damages they 8 sustained. However, I am sure that that is 9 something that could be ascertained. 10 Q. Other than the damages that we have 11 discussed in section C of the letter from 12 February 24, 2023 at exhibit 28, are you aware 13 of any other damages that you are seeking in 14 this lawsuit as you sit here today? 15 ATTORNEY BRUSTEIN: Objection. 16 A. Apart from here? 17 Q. Yes. 18 A. No. 19 ATTORNEY LUNDY: Could we take a 20 quick break? 21 ATTORNEY BRUSTEIN: Yes. 22 ATTORNEY LUNDY: Thank you. 23 -- 24 (Recess from 4:46 to 4:53.) 25 --</p>
<p>1 O. IVEY 2 BY ATTORNEY LUNDY: 3 Q. Ms. Ivey, we were just discussing 4 the damages in this matter as outlined in the 5 February 24, 2023 letter at exhibit 28. How 6 do you feel that you have been financially 7 harmed by what the defendants did since the 8 beginning of COVID-19? 9 ATTORNEY BRUSTEIN: Objection. 10 A. How do I feel ... 11 Q. That you have been financially 12 harmed by what the defendants did since the 13 beginning of COVID-19? 14 A. Well, I have been unemployed. It 15 was my sole way of making a living, and based 16 on what Ms. Ortiz said, that we weren't 17 allowed to seek employment or forfeit any 18 possible severance fee that would have been 19 coming to us if we worked, that left me 20 between a rock and a hard place. I felt like 21 okay, I am not able to work and they're not -- 22 we're not returning to the Four Seasons 23 midtown, we're not able to take up 24 unemployment. If we take up unemployment then my 25 then -- if I take up unemployment then my</p>	<p>Page 252</p> <p>1 O. IVEY 2 years of service, any severance pay that would 3 go to me, is forfeited. And during that time 4 I'm going from making a steady income for 25 5 years to zero. Yes, I collected unemployment, 6 but then after my unemployment ceased I was 7 living off of my savings. Now my savings, I 8 mean how much savings can one have to maintain 9 a family in this country when you're just 10 doing a regular job. Right? 11 I've basically had to adjust the 12 way I live. My family had to adjust the way 13 they live. I depleted my savings, completely 14 depleted my savings, and at this juncture, 15 just basically I don't know what else to do. 16 Q. And Ms. Ivey, for what you've just 17 described, would you like to be compensated 18 for those injuries? 19 ATTORNEY BRUSTEIN: Objection. 20 A. Yes. 21 Q. And do you know specifically what 22 that compensation would be? 23 ATTORNEY BRUSTEIN: Objection. 24 A. I don't know what that compensation 25 would be, because I have no experience in</p>

<p>1 O. IVEY 2 legal matters. However, I am sure my 3 attorneys are competent it enough to basically 4 advise me on what would be fair. 5 Q. Ms. Ivey, in paragraph 23 of your 6 amended complaint it reads: By reason of 7 defendants' unlawful conduct plaintiffs and 8 others similarly situated have suffered 9 monetary damages and other resulting injury 10 and loss. 11 Is it fair to say that others 12 similarly situated suffered other injury and 13 loss different from your own? 14 ATTORNEY BRUSTEIN: Objection. 15 A. I cannot say what or how much they 16 have suffered. However, I am sure if you -- 17 if they went from getting a paycheck every 18 week consistently, being able to budget and 19 being able to live a particular way, and then 20 going from something to nothing, it's obvious 21 that they would be affected. 22 ATTORNEY LUNDY: I have no further 23 questions. Thank you, Ms. Ivey. 24 THE WITNESS: Thank you. 25 ATTORNEY WAGNER: No questions from</p>	<p style="text-align: right;">Page 254</p> <p>1 O. IVEY 2 me. Thank you. 3 ATTORNEY BROMBERG: Can we just 4 talk for two seconds? 5 ATTORNEY BRUSTEIN: Yes. 6 (Pause in proceedings.) 7 ATTORNEY BRUSTEIN: We are not 8 going to ask any questions. We are just 9 going to reserve any, be able to, you 10 know, have signature at the end. 11 (Continued on the following page to 12 include jurat.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 O. IVEY 2 ATTORNEY BROMBERG: We're reserving 3 review and signature. 4 ATTORNEY LUNDY: Thank you, 5 Ms. Ivey. 6 --- 7 (Time noted: 5:01 p.m. EDT) 8 9 _____ 10 OLIVE IVEY 11 12 Sworn and subscribed to before 13 me this _____ day 14 of _____, 2023, 15 in the jurisdiction aforesaid. 16 17 _____ 18 NOTARY PUBLIC 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 256</p> <p>1 2 C E R T I F I C A T E 3 STATE OF NEW YORK) 4 COUNTY OF NEW YORK) 5 I, FRANK J. BAS, a Certified 6 Shorthand Reporter and Notary Public within 7 and for the State of New York, do hereby 8 certify: 9 That the witness whose testimony is 10 hereinbefore set forth, was duly sworn by me 11 and that such testimony given by the witness 12 was taken down stenographically by me and then 13 transcribed. 14 I further certify that I am not 15 related by blood or marriage to any of the 16 parties in this matter and that I am in no way 17 interested in the outcome of this matter. 18 That any copy of this transcript 19 obtained from a source other than the court 20 reporting firm, including from co-counsel, is 21 uncertified and may not be used at trial. 22 IN WITNESS WHEREOF, I have hereunto 23 set my hand this 12th day of April, 2023. 24 25 FRANK J. BAS, RPR, CRR</p>

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<p>1 ERRATA SHEET 2 Case Name: 3 Deposition Date: 4 Deponent: 5 Pg. No. Now Reads Should Read Reason 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 Signature of Deponent 22 SUBSCRIBED AND SWORN BEFORE ME 23 THIS ____ DAY OF _____, 2023. 24 _____ 25 (Notary Public) MY COMMISSION EXPIRES:_____</p>	Page 262

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